

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

2
3 **ORDINANCE NO. O-26-03 Amended**

4 **Introduced by Mayor Moyer**

5 **Alderwoman Hoyle**

6 **Alderman Kelley**

7 **Alderman Cordle**

8 **Alderman Fox**

9 **Alderman Cohen**

10
11
12 **AN ORDINANCE** concerning

13
14 **Department of Neighborhood and Environmental Programs**

15
16 **FOR** the purpose of creating a Department of Neighborhood and Environmental
17 Programs (“Department”), creating the position of Director of Neighborhood and
18 Environmental Programs (“Director”), assigning certain duties and granting certain
19 authority to the Department and to the Director, reassigning to the Department and
20 to the Director certain duties and certain authority currently assigned to the City
21 Clerk, and/or the departments and/or directors of Public Works and/or Planning and
22 Zoning, reassigning other duties to the departments and/or directors of Public Works
23 and Planning and Zoning, recodifying with certain revisions existing provisions
24 related to the Environment Commission, clarifying certain provisions relating to the
25 said departments, directors and the City Clerk and the Environmental Commission
26 and all matters related to the creation of the Department of Neighborhood and
27 Environmental Programs and the position of Director of Neighborhood and
28 Environmental Programs.

29
30 * * * * *

31 **BY** adding the following new sections to the Code of the City of Annapolis (1996 Edition
32 and Supplement)

33 Chapter 2.25

34 Section 2.48.330

35 Section 10.32.010

36 Section 16.04.040

37 Section 17.34.020

38 Section 17.34.030

39 Section 17.48.360

40 Section 17.52.030

41 Section 17.52.040

42 Section 17.52.050

43 Section 17.60.170

44 Section 17.60.180

45 Section 18.04.020

1 **BY** repealing in its entirety
2 Section 2.48.049A
3 ~~Chapter 10.04~~
4 Title 19
5 Code of the City of Annapolis
6 (1996 Edition and Supplement)
7

8 **BY** repealing and re-enacting the following sections of the Code of the
9 City of Annapolis, with amendments (1996 Edition and Supplement)
10 Title 2 table of contents
11 Section 2.40.030
12 ~~Section 2.48.070~~
13 Section 7.04.030
14 Section 7.08.020
15 Section 7.08.050
16 Section 8.04.020
17 ~~Section 10.04.010~~
18 Section 10.08.010
19 Section 10.12.140
20 Section 10.16.100
21 Section 10.16.110
22 ~~Section 10.16.140~~
23 Section 10.16.250
24 Section 10.18.010
25 ~~Section 10.18.050~~
26 Section 10.18.110
27 Section 10.18.120
28 Section 10.20.020
29 Section 10.24.010
30 Section 10.28.010
31 Section 14.12.030
32 Section 14.12.050
33 Section 14.12.095
34 Section 14.12.140
35 Section 15.04.060
36 Section 15.16.040
37 Section 15.20.010
38 Section 15.20.020
39 Section 15.20.030
40 Section 15.20.040
41 Section 15.20.060
42 Section 15.20.130

1	Section 15.20.140
2	Section 15.24.010
3	Section 16.04.040
4	Section 16.16.340
5	Section 16.28.050
6	Section 17.04.060
7	Section 17.04.120
8	Section 17.04.180
9	Section 17.04.220
10	Section 17.04.290
11	Section 17.04.350
12	Section 17.04.980
13	Section 17.08.010
14	Section 17.08.250
15	Section 17.08.295
16	Section 17.09.010
17	Section 17.09.025
18	Section 17.09.030
19	Section 17.09.040
20	Section 17.09.050
21	Section 17.09.060
22	Section 17.09.070
23	Section 17.09.080
24	Section 17.09.090
25	Section 17.09.100
26	Section 17.09.120
27	Section 17.09.130
28	Section 17.09.140
29	Section 17.10.010
30	Section 17.10.020
31	Section 17.10.030
32	Section 17.10.060
33	Section 17.10.070
34	Section 17.10.080
35	Section 17.10.100
36	Section 17.10.120
37	Section 17.10.140
38	Section 17.10.150
39	Section 17.10.180
40	Section 17.10.190
41	Section 17.10.210
42	Section 17.10.220

1	Section 17.11.010
2	Section 17.11.220
3	Section 17.11.460
4	Section 17.12.024
5	Section 17.12.042
6	Section 17.12.050
7	Section 17.12.053
8	Section 17.12.055
9	Section 17.12.056
10	Section 17.12.058
11	Section 17.12.060
12	Section 17.12.062
13	Section 17.12.080
14	Section 17.12.189
15	Section 17.16.030
16	Section 17.16.106
17	Section 17.16.120
18	Section 17.16.130
19	Section 17.16.140
20	Section 17.18.040
21	Section 17.18.060
22	Section 17.18.070
23	Section 17.18.140
24	Section 17.18.150
25	Section 17.22.010
26	Section 17.22.020
27	Section 17.22.030
28	Section 17.22.050
29	Section 17.22.060
30	Section 17.24.020
31	Section 17.24.070
32	Section 17.24.090
33	Section 17.24.120
34	Section 17.24.160
35	Section 17.28.050
36	Section 17.28.080
37	Section 17.28.090
38	Section 17.28.095
39	Section 17.28.140
40	Section 17.30.010
41	Section 17.30.020
42	Section 17.30.040

1	Section 17.30.050
2	Section 17.30.080
3	Section 17.30.100
4	Section 17.34.010
5	Section 17.40.040
6	Section 17.40.050
7	Section 17.40.280
8	Section 17.40.290
9	Section 17.40.340
10	Section 17.40.350
11	Section 17.40.370
12	Section 17.40.670
13	Section 17.40.690
14	Section 17.40.830
15	Section 17.40.860
16	Section 17.40.870
17	Section 17.40.880
18	Section 17.40.890
19	Section 17.44.010
20	Section 17.48.210
21	Section 17.48.280
22	Section 17.48.290
23	Section 17.48.300
24	Section 17.48.310
25	Section 17.48.320
26	Section 17.48.330
27	Section 17.48.350
28	Section 17.52.010
29	Section 17.52.020
30	Section 17.60.010
31	Section 17.60.070
32	Section 17.60.090
33	Section 17.60.120
34	Section 17.60.140
35	Section 17.60.145
36	Section 17.60.150
37	Section 17.60.160
38	Section 17.60.170
39	Section 17.60.180
40	Section 18.04.010
41	Section 18.04.020
42	Section 18.20.010

1 Section 20.08.030.
2 Section 20.08.040
3 Section 20.16.060
4 Section 20.20.010
5 Section 20.24.150
6 Section 20.24.160
7 Section 21.06.150
8 Section 21.50.025
9 Section 21.51.020
10 Section 21.51.050
11 Section 21.52.070
12 Section 21.67.030
13 Section 21.67.050
14 Section 21.67.060
15 Section 21.67.065
16 Section 21.67.070
17 Section 21.67.110
18 Section 21.67.150
19 Section 21.67.160
20 Section 21.69.045
21 Section 21.69A.045
22 Section 21.78.010
23 Section 21.78.020
24 Section 21.80.020
25 Section 21.80.030
26 Section 21.80.040
27 Section 21.88.010
28 Section 21.88.020
29 Section 21.88.030
30 Section 21.90.010
31 Section 21.90.020
32 Section 21.90.030
33 Chapter 21.92 title
34 Section 21.92.010

35
36 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
37 **COUNCIL** that the Code of the City of Annapolis shall read as follows:
38

39 **Title 2 ADMINISTRATION**

40
41 Chapter 2.ED Editor's note to Title 2
42 Chapter 2.04 GENERAL ADMINISTRATIVE REGULATIONS

Chapter 2.08 PUBLIC ETHICS AND FINANCIAL DISCLOSURE
Chapter 2.12 MAYOR
Chapter 2.16 CITY COUNCIL
Chapter 2.20 DIRECTOR OF FINANCE
Chapter 2.24 (Repealed by O-54-98)
Chapter 2.25 DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS
Chapter 2.28 HARBOR MASTER
Chapter 2.32 FIRE DEPARTMENT
Chapter 2.36 POLICE DEPARTMENT
Chapter 2.40 PUBLIC WORKS DEPARTMENT
Chapter 2.44 DEPARTMENT OF TRANSPORTATION
Chapter 2.46 DEPARTMENT OF CENTRAL SERVICES
Chapter 2.48 BOARDS, COMMISSIONS AND COMMITTEES*
Chapter 2.50 ANNAPOLIS CONSERVANCY BOARD
Chapter 2.52 ANNEXATION POLICY AND PROCEDURE
Chapter 2.56 URBAN RENEWAL PROJECTS
Chapter 2.60 PERFORMANCE REVIEW

CHAPTER 2.25 DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS

Section 2.25.010 Composition.

The department of neighborhood and environmental programs shall consist of the director of neighborhood and environmental programs and other officers and employees as may be provided by the city council.

Section 2.25.020 Director.

The director of neighborhood and environmental programs, before entering on the discharge of the duties of office, shall take the oath prescribed in the Charter.

Section 2.25.030 Director-- Powers and Duties.

A. The director of neighborhood and environmental programs shall have the following powers and duties:

1. To regulate the building and rebuilding of structures and other improvements.
2. To regulate the use of certain structures for housing.

1 3. To regulate activities impacting upon the environment, urban forestry, sewer
2 pretreatment, critical areas and storm water management.

3
4 4. To enforce building and housing rules and regulations governing the improvement
5 and use of land and structures.

6
7 5. To enforce rules and regulations governing environmental protection, urban forestry,
8 sewer pretreatment and storm water management.

9
10 6. To enforce rules and regulations governing the licensing and operation of certain
11 contractors and businesses.

12
13 7. To enforce certain specified rules and regulations governing certain violations of the
14 zoning code and use of property.

15
16 8. To educate and inform the public concerning environmental protection, urban
17 forestry, and related subjects.

18
19 B. The director of neighborhood and environmental programs shall have all the power
20 and authority insofar as it relates to violations of law pertaining to the department of
21 neighborhood and environmental programs and shall be authorized to take appropriate
22 enforcement action with regard to all such violations.

23
24 **Section 2.40.030 Director--Duties.**

25
26 A. The director of public works has charge of and supervision over all public property of the
27 city, including all streets, parks, parkways, sidewalks and all other property of the city not
28 specifically assigned to some other officer.

29 B. The director of public works has charge of, and is responsible for the care, maintenance
30 and operation of, the city water system, the sanitary sewer system and disposal plant,
31 public wharves, all streets and sidewalks and the drainage of the streets and sidewalks,
32 provided, however, that the director of neighborhood and environmental programs shall
33 enforce certain specified rules and regulations related to sewer pretreatment and storm
34 water management.

35
36 C. All construction, repair or extension of any pavement, building, sewer, water mains,
37 highways, gutters and any appurtenances thereto, and all other construction, repair or
38 maintenance work conducted by the city, shall be done by or under the supervision of the
39 director of public works unless specific direction to the contrary is made by the city council.
40 D. The director has charge of the collection and disposal of garbage and refuse.

41

1 ~~E~~. Except for vehicles used and maintained by the police department, the fire department
2 and the department of transportation, the director of public works has charge of and is
3 responsible for the condition and maintenance of all motor vehicles and trucks.
4

5 ~~Section 2.48.049A Article II. Board of Appeals~~
6

7 **Section 2.48.070 Rules.**
8

9 The board may adopt rules as it deems necessary to govern the conduct of its proceedings
10 in addition to rules as it may adopt pursuant to the provisions of Title ~~22~~ 21 of this code.
11

12 **Section 2.48.330 Environmental Commission Established.**
13

14 There is a commission known as the environmental commission.
15

16 A. Purposes. The general purposes of the commission are the conservation and
17 improvement of the natural and health and welfare qualities of the environment, the land,
18 waters, noise and air of the city and environs.
19

20 B. Membership.
21

22 1. The commission shall consist of nine members, residents of the city. They shall be
23 appointed by the mayor and confirmed by a majority vote of the city council. Each member
24 of the commission shall serve for a term of three years or until a successor is appointed
25 and duly qualifies, commencing on July 1st of the year in which appointed. The city council
26 shall designate the terms of the members of the commission so that the terms of not more
27 than three members of the board expire in any one year.
28

29 2. Each member shall have demonstrated ~~a sincere~~ an interest in protection and
30 improvement of the environment. Each member shall serve without compensation. In the
31 event of a vacancy in an unexpired term on the commission a member shall be appointed
32 in the same manner as the original appointment was made for the duration of the unexpired
33 term.
34

35 C. Rules of procedure. The commission shall elect a chairman from its membership. The
36 commission shall adopt rules of procedure deemed necessary in discharging its duties.
37

38 D. Powers and duties generally.
39

40 1. The commission shall be concerned with the protection and improvement of and the
41 noise in the city and environs, and the recycling or the reuse of solid wastes. The

1 environmental quality of the city and environs. It shall study the pollution of the land, air and
2 waters.

3
4 2. The commission shall make recommendations, to the city council and others, as
5 outlined in Section 2.48.330.H, determining the source of these problems, collecting
6 information about solutions to these problems, educating the public (and individuals or
7 organizations who are the source of particular problems) concerning their relations to the
8 problems and their relation to the solutions.

9
10 3. The commission shall review and comment in a timely manner to the Mayor and City
11 Council on all matters submitted to it under Section 2.48.410.

12
13 4. The commission shall prepare an annual report of its activities and its recommendations
14 for the next year.

15
16 5. The commission shall make recommendations to, consult with and prepare reports for
17 the director of neighborhood and environmental programs as requested by the ~~direction~~
18 director.

19
20 6. The commission shall have other and further duties and powers as may be conferred
21 upon it.

22
23 E. Liaison with other groups and agencies. In fulfillment of the duties and obligations of
24 improving the environmental quality of the city and environs, the commission shall work
25 closely with appropriate municipal, county, state and federal agencies; and it shall initiate
26 and maintain cooperation with the United States Naval Academy, volunteer environmental
27 groups, health associations, civic clubs, youth groups and other interested organizations.

28
29 F. Meetings.

30
31 1. The commission shall meet at least once each month.

32
33 2. All meetings of the commission shall be open to the public. Any person, or a person's
34 authorized representative, may appear and be heard on any matter, scheduled or
35 unscheduled, affecting the environment.

36
37 3. A record, or minutes, shall be kept by the commission of its proceedings. The record
38 shall be open for public viewing.

39
40 4. Five appointed members constitute a quorum. A vote of the majority present is
41 necessary for a decision.
42

1 G. Boards and commissions--Cooperation of. It is the intent of this article that all agencies,
2 boards, commissions and public officers of the city aid and cooperate with the commission
3 to the fullest extent possible, so that the purposes of the commission may be carried out.
4

5 H. Boards and commissions--Agenda review--Recommendations. The agendas of the
6 planning commission, the port wardens and the historic preservation commission shall be
7 forwarded in advance to the environmental commission. The environmental commission
8 shall review these agendas for matters that may have an impact on the environment, may
9 make a determination as to the advisability of the environmental commission reviewing and
10 commenting on particular matters of import. If the commission determines that
11 environmental review and comment should be made, the following procedures shall be
12 followed:
13

14 1. Written comments shall be submitted and made part of the record by the commission or
15 committee hearing the matter; or
16

17 2. If time does not permit a timely filing, the commission shall submit a written notice of
18 intent to file an environmental report for consideration of the commission hearing the
19 matter.
20

21 **Section 7.04.030 Fee for transfer of license.**

22

23 For the transfer of a license the clerk shall receive transferee shall pay a fee equal in
24 amount to the fee paid when the license was originally issued current fee for the
25 appropriate license; provided, however, that the fee for the transfer of an alcoholic
26 beverage license shall be established by resolution of the city council.
27

28 **Section 7.08.020 Billposters.**

29

30 No person shall carry on the business of a billposter, or erect or use any billboards in the
31 streets, alleys, lanes or public squares of the city on which to post bills, without first
32 obtaining a license from the city clerk department of neighborhood and environmental
33 programs, the fee for which shall be as established by resolution of the city council. This
34 section does not apply to trustees, attorneys, auctioneers and printers, or to private parties
35 having bills concerning their business distributed and posted in the city.
36

37 **Section 7.08.050 Poles in streets.**

38

39 No person shall erect or maintain any telegraph, telephone or electric light poles on any of
40 the streets or public squares, unless the person erecting or maintaining the poles first
41 obtains from the city clerk department of neighborhood and environmental programs a
42 license, to be paid for at the rate as established by resolution of the city council. This

1 section does not apply to any pole bearing a public active lamp or active lamp used to light
2 any street, lane, alley, public square or any other public place.

3
4 **Section 8.04.020 County provisions adopted.**

5
6 **A.** Except as otherwise provided by this chapter, the provisions of the Anne Arundel
7 County Code (1986 edition and supplements), Article 12, Animal Control, as the same from
8 time to time may be amended, are applicable and effective within the city as though those
9 provisions were set forth at length in this chapter. The county shall administer and enforce
10 those regulations in the city in the same manner as they are administered and enforced in
11 the non municipal areas of the county. (Prior code §§ 4-1 (part), 4-2)

12
13 **B.** In addition to provisions of the Anne Arundel County Code made applicable within the
14 city pursuant to the preceding subsection, the city council may provide for additional animal
15 control through the adoption of provisions to this chapter. All such additional animal control
16 provisions shall be administered and enforced by the department of neighborhood and
17 environmental programs.

18
19 **Chapter 10.04 HEALTH OFFICER ~~Reserved~~ PUBLIC HEALTH**

20 **~~Section 10.04.010 Appointment.~~**

21 ~~The city council shall appoint a health officer who shall report to the city council and who~~
22 ~~shall serve at the pleasure of the city council.~~

23
24 **Section 10.04.010 Definition of health officer.**

25
26 For the purposes of this title, 'health officer' refers to the State of Maryland or the Anne
27 Arundel County health officer, that by law or by agreement, serves as the health officer for
28 the City of Annapolis.

29
30 **~~Section 10.04.020 Reports and advice.~~**

31 ~~A. The health officer shall report to the city council any disease or condition detrimental to~~
32 ~~the public health. These reports shall be based on a diligent inquiry into any conditions~~
33 ~~affecting the general health of the city or any of its citizens. When appropriate, the health~~
34 ~~officer shall seek the advice and counsel of physicians.~~

35 ~~B. The health officer shall give to the city council, the mayor and other city authorities all~~
36 ~~professional advice and information as they may require regarding preservation of the~~
37 ~~public health.~~

38
39 **Section 10.08.010 Leaving with door or lock.**

40
41 **A.** No person shall allow any abandoned, unattended or discarded icebox, refrigerator or
42 any other container of any kind which has an airtight door, snap-lock or lock which may not

1 be released for opening from the inside of such icebox, refrigerator or container to be
2 placed on property under his or her control, without first removing the door, snap-lock or
3 door hinges.

4
5 B. A person who violates this section is guilty of a municipal infraction and is subject to a
6 fine of one hundred dollars for any single, initial violation and a fine of one hundred dollars
7 for each repeat or continuing violation.

8
9 C. The director of neighborhood and environmental programs or the director's designee
10 shall have the power to enforce the provisions of this section through the issuance of a
11 municipal citation.

12
13 **Section 10.12.140 Violation--Nuisance abatement Administration and Enforcement.**
14 ~~The health officer shall have the power to abate any violation or nuisance caused by the~~
15 ~~noncompliance with state or local regulations.~~

16
17 A. The provisions of this chapter shall be administered and enforced by the department
18 of neighborhood and environmental programs except with regard to those matters
19 administered and enforced by Anne Arundel County the health officer.

20
21 B. Violation of or failure to comply with any provision of⁹⁹ this chapter is declared to be a
22 municipal infraction punishable by a fine not to exceed one hundred dollars for any single,
23 initial violation, and an additional fine of two hundred dollars for each repeat or continuing
24 violation.

25
26 C. The director of neighborhood and environmental programs or the director's designee
27 shall have the power to enforce the provisions of this chapter through the issuance of a
28 municipal citation or through any other appropriate action or proceedings at law or equity.

29
30 **Section 10.16.100 Notice to remove accumulations.**

31
32 The director of ~~public works~~ **neighborhood and environmental programs** from time to time
33 shall visit and inspect all premises, yards and alleys, and where the director observes
34 accumulations of rubbish or refuse, shall serve notice on the tenants or owners of the
35 premises to remove the accumulations. Any tenant or owner who fails to comply with the
36 notice within ten days from the time the notice is given is guilty of a municipal infraction and
37 subject to a fine of fifty dollars for any single, initial violation and a fine of fifty dollars for
38 each repeat or continuing violation.

39
40 **Section 10.16.110 Inspections--Right of entry.**
41

1 The director of ~~public works~~ **neighborhood and environmental programs** may enter all
2 premises other than the interior of dwellings at all reasonable hours for the purpose of
3 inspection of refuse storage facilities and adjoining resting places and harborages of
4 insects and rodents and to apply or require chemical treatment for the temporary control
5 of insects and rodents.

6
7 **10.16.250 Responsibility of director of public works:**
8

9 ~~The enforcement of all sections of this chapter is the responsibility of the director of public~~
10 ~~works with the advice and consultation of the health officer director of neighborhood and~~
11 ~~environmental programs.~~

12
13 **10.16.250 Responsibilities.**
14

15 ~~The enforcement of all sections of this chapter is the responsibility of the director of~~
16 ~~neighborhood and environmental programs with the advice and consultation of the health~~
17 ~~officer.~~

18
19 **Section 10.18.010 Definitions.**
20

21 As used in this chapter, the following definitions shall apply:
22

23 A. "Act" means the Maryland Recycling Act, as amended.
24

25 B. "Aluminum can" means food and beverage containers which are comprised entirely of
26 aluminum and which contain and formerly contained only non-aerosol edible substances.
27

28 C. "Cans" means food and beverage containers comprised of aluminum, tin, steel or a
29 combination thereof, which contain or formerly contained only non-aerosol edible
30 substances.
31

32 D. "City recycling plan" means the recycling plan developed by and for the City of
33 Annapolis. The city recycling plan sets forth (1) the materials to be recycled within the city,
34 (2) the method for collection and disposition of the recyclables, and (3) the recovery rate
35 goals.
36

37 E. "Commingled cans and bottles" means source separated, nonputrescible recyclable
38 materials that have been mixed at the source of generation (i.e., placed in the same
39 container).
40

41 F. "Designated recyclable materials" means those recyclable materials, designated in the
42 city recycling plan to be source separated. The term includes, but is not limited to, glass,

1 newspaper, PET-plastic containers, HDPE-plastic containers, aluminum and ferrous cans
2 and yardwaste.

3
4 G. "Disposition" or "disposition of designated recyclable materials" means the
5 transportation, placement, or arrangement of designated recyclable materials for all
6 possible end uses except disposal as solid waste.

7
8 H. "Glass" means all clear (flint), green, and brown (amber) colored glass food and
9 beverage containers. Glass shall not include crystal, ceramics, light bulbs, and plate
10 window, laminated, wired, or mirrored glass.

11
12 I. "Glass and metal food and beverage containers" means the type commonly found in the
13 home, such as glass beverage containers, as well as those types of containers various
14 foods are packed in, such as mayonnaise jars, pickle jars, ketchup bottles, etc. Also, such
15 containers include beverage cans, food cans, and soup cans, etc. Not included are aerosol
16 cans, or cans that have been used to contain a contaminant such as but not limited to, cans
17 used to hold paint, tar, motor oil, thinners or other such materials not expressly approved
18 for recycling by the City of Annapolis.

19
20 J. "HDPE-plastic bottles" means all milk, water, laundry detergent or cleanser containers
21 manufactured of HDPE (high density polyethylene) plastic.

22
23 K. "Multi-unit community" means twenty or more apartments, townhouses or condominiums
24 located on a single property or contiguous properties under common ownership or
25 management, including public-assisted housing. For this purpose, "unit" shall mean an
26 enclosed space that consists of one or more rooms occupying all or part of a floor or floors
27 in a building of one or more floors or stories but not the entire building, and that is designed
28 for use as a single residence.

29
30 L. "Newspaper" means paper of the type commonly referred to as news print and
31 distributed at stated intervals, usually daily or weekly, having printed thereon news and
32 opinions and containing advertisement and other matters of public interest. Magazines are
33 not considered news print.

34
35 M. "Person" means any individual, firm, partnership, corporation, association, cooperative
36 enterprise, trust, municipal authority, federal institution or agency, state institution or
37 agency, municipality, other governmental agency or any other entity or any group of such
38 persons which is recognized by law as the subject of rights and duties. In any provisions
39 of this chapter prescribing a fine, penalty, or imprisonment, the term "person" shall include
40 the officers and directors of a corporation or other legal entity having officers and directors.

41

1 N. "PET-plastic bottles" means all clear soft drink beverage containers manufactured of
2 PET-plastic (polyethylene teraphthalate).

3
4 O. "Recyclable material" and "Recyclables" means mean a material which would otherwise
5 become solid waste, which can be collected, separated or processed, and returned to the
6 economic mainstream in the form of raw materials or products.

7
8 P. "Recycling" means any process by which materials, which would otherwise become solid
9 waste, are collected, separated or processed, and returned to the economic mainstream
10 in the form of raw materials or products.

11
12 Q. "Resident" means any human being residing within the city on a temporary or permanent
13 basis, but excluding persons residing in hotels or motels.

14
15 R. "Solid waste" means garbage, refuse, and other discarded materials resulting from
16 industrial, commercial and agricultural operations, and from domestic and community
17 activities, and shall include all other waste materials including liquids.

18
19 S. "Source separate" means to separate recyclable materials from the solid waste stream
20 at the point of waste generation.

21
22 T. "Waste minimization" means the voluntary reduction by the consumer of the volume of
23 refuse entering the solid waste stream.

24
25 U. "Yardwaste" means grass clippings, weeds and discarded plants, leaves, branches and
26 brush, tree wood waste up to four inches in diameter.

27
28 **Section 10.18.110 Enforcement.**

29
30 Enforcement and administration of this chapter shall be the responsibility of the director of
31 public works.

32
33 **Section 10.18.120 Appeals.**

34 Any person aggrieved by the requirements of this chapter as enforced by the director of
35 public works may direct an appeal to the building board of appeals.

36
37 **Section 10.20.020 Violation--Notice.**

38
39 The director of public works neighborhood and environmental programs shall investigate
40 any complaint that a violation of Section 10.20.010 has occurred. Upon finding that a
41 violation has occurred, the director shall provide written notice of the violation by certified
42 mail, return receipt requested, or by personal delivery, to the owner, lessee, agent or tenant

1 having charge of the lot or parcel of land. If the address of any owner or person having
2 charge of the lot or parcel of land cannot be located after a diligent search, two copies of
3 the notice shall be placed on two different locations on the lot or parcel of land. The notice
4 shall specify the action required to be taken to correct the violation and that the action must
5 be commenced within five days and completed within ten days after service of the notice.
6 Section 10.20.030 Violation--City correction.

7
8 If a violation is not corrected fully within ten days after the service of the notice as provided
9 for in Section 10.20.020, the director of ~~public works~~ **neighborhood and environmental**
10 **programs** may cause the growth of grass, weeds or other rank vegetation to be cut,
11 thinned, removed or destroyed so as to be in compliance with the requirements of this
12 chapter. All costs and expenses incurred by the director of ~~public works~~ **neighborhood and**
13 **environmental programs** to bring any lot or parcel of land into compliance with the
14 requirements of this chapter are the responsibility of the owner of the lot or parcel of land.
15 Until the expenses are paid by the owner, they constitute a lien upon the property and the
16 director of finance shall add such costs to the tax bill for the year and they shall be collected
17 in the same manner as other city taxes.

18 19 **Section 10.24.010 Abatement.**

20
21 Whenever in the opinion of the ~~health officer~~ **director of neighborhood and environmental**
22 **programs** any collection of liquid, marsh or muddy ground or depression in which any liquid
23 collects or may collect is a nuisance or a menace to the health of the community, the
24 ~~health officer~~ **director of neighborhood and environmental programs** **shall notify the director**
25 **of neighborhood and environmental programs who** ~~shall notify the director of public works,~~
26 ~~who immediately~~ shall give notice to the owner, occupant or person having charge of the
27 ground to remedy the nuisance as promptly as possible, but in any case within five days.
28 If after five days' notice to remedy the nuisance the party so notified does not remove or
29 abate the nuisance, then the necessary remedial work shall be undertaken by the ~~director~~
30 ~~of public works~~ **city** and the party so notified shall be liable for the expense of the work
31 performed by the ~~director of public works~~ **city**, the cost of which shall be a lien on the
32 property and bear the same interest, rights and priority and be collected and enforced in
33 the same manner as real property taxes.

34 35 **Section 10.28.010 Definitions.**

36
37 For the purpose of this chapter, the following words and phrases shall have the meanings
38 respectively ascribed to them as follows:

39
40 ~~A. "Approving authority" means the city health officer and the health officer's designated~~
41 ~~agents.~~ **director of neighborhood and environmental programs and the directors designees.**
42

1 A. "Approving authority" means the health officer and/or the health officer's designated
2 agents.

3
4 B. "Operator" means a person appointed or engaged by the owner to be in immediate
5 control of the operation at a specific site.

6
7 C. "Owner" means any person, cooperative, association, partnership, firm, corporation,
8 public agency or authorized agent of these, under whose authority a swimming pool is
9 being constructed, remodeled, reconstructed or operated.

10
11 D. "Private swimming pool" means any swimming pool built in conjunction with a single
12 private residence used or intended to be used solely by the owner or lessee, and the
13 owner's or lessee's immediate family and guests invited to use it without payment of any
14 fee.

15
16 E. "Public swimming pool" means any pool, other than a private swimming pool, which
17 is intended to be used for swimming or bathing and is operated by an owner, lessee,
18 operator, licensee or concessionaire, regardless of whether a fee is charged for use. Public
19 pools include hydrotherapy spas designed primarily for therapeutic use which are not
20 drained, cleaned and refilled for each individual, including but not limited to those operated
21 by hydrojet circulation, hot water, cold water mineral baths, air induction bubbles, or any
22 combination of these. "Spa" includes, but is not limited to, "therapeutic pool," "hydrotherapy
23 pool," "whirlpool" and "hot tub."

24
25 F. "Public swimming pool lifeguard" means a person appointed or engaged by the
26 owner to actively supervise public swimming pools for the purpose of observation and
27 protection of bathers.

28
29 **Section 10.32.010 Reports and advice.**

30
31 The director of neighborhood and environmental programs shall give to the city council, the
32 mayor and other city authorities all professional advice and information as they may require
33 regarding preservation of the public health. This advice and information shall be based on
34 a diligent inquiry into any conditions affecting the general health of the city or its citizens
35 and on consultation with the health officer of the county. When appropriate, the director
36 shall seek the advice and counsel of physicians.

37
38 **Chapter 14.12 TREES**

39
40 **Section 14.12.030 Definitions.**

As used in this chapter, the following words and phrases have the meanings indicated:

A. "Crown area" means the leafy part of a tree.

B. "Cutting" means felling or removal of a tree or any procedure the result of which is to cause the death or substantial destruction of a tree. Cutting does not include normal pruning or trimming.

C. "Department" means the department of ~~public work~~ **neighborhood and environmental programs**.

D. "Director of ~~public works~~ **neighborhood and environmental programs**" shall be read to include his/her designee.

E. "Maintenance" and "protection" include all operations of trimming, pruning, spraying, injecting, fertilizing, treating, bracing, doing surgery work, and cutting above or below ground.

F. "Public area" includes all public ways, public parks and other public lands except those owned or leased by the United States of America or by the state.

G. "Public way" includes all public streets, roads, boulevards, alleys and sidewalks.

H. "Remove or removal" means the actual physical removal, or the effective removal through damaging, poisoning or other direct or indirect actions resulting in, or likely to result in, the death of a tree.

I. "Trees" and "shrubs" includes all woody vegetation.

Section 14.12.050 Responsibilities of the director of ~~public works~~ **neighborhood and environmental programs.**

A. Implementation, administration and execution of the requirements of this chapter are the responsibility of the department of ~~public works~~ **neighborhood and environmental programs** or his or her designee.

B. The director of ~~public works~~ **neighborhood and environmental programs** or his or her designee shall have the following general powers and duties:

1. To direct, manage, supervise and control the street tree program, including all planting, removal, maintenance, and protection of all trees and shrubs on all public areas;

1 2. To guard all trees and shrubs to prevent the spread of disease or pests and to eliminate
2 dangerous conditions which may affect the life, health or safety of persons or property;
3

4 3. To perform other related functions as are assigned.
5

6 **Section 14.12.095 Tree conservation area--Tree removal.**
7

8 A. "Tree conservation areas" are established to be the same areas as the legally defined
9 front, side or rear yard setbacks of any residential or commercial property as described in
10 the zoning regulations of the city of Annapolis, which are adjacent to a public right of way.
11

12 B. Within a tree conservation area, no tree greater than five inches in diameter as
13 measured at 4.5 feet above the ground shall be removed except as provided for in this
14 section. Within a tree conservation area, the property owner may remove trees that are less
15 than five inches in diameter as measured at 4.5 feet above the ground.
16

17 C. A permit issued by the director of ~~public works~~ **neighborhood and environmental**
18 **programs** or his or her designee is required for the removal of any tree greater than five
19 inches in diameter, as measured at 4.5 feet above the ground, located within the tree
20 conservation area. There shall be no fee for the tree removal permit. Conditions under
21 which such a permit may be issued include but shall not be limited to the following:
22

23 1. The tree is dead, dying or diseased, such that fifty percent or more of the crown area is
24 visibly dead;
25

26 2. The tree is damaged or injured to the extent that it is likely to die or become diseased;
27

28 3. The removal of the tree will serve the purposes of this chapter or will enhance the health
29 of the remaining trees in the conservation area;
30

31 4. The removal of the tree will avoid or alleviate, mitigate, or reduce a substantial hardship
32 or damage to the property or any structure located thereon; or
33

34 5. The removal of the tree is consistent with good forestry practices.
35

36 D. A permit shall not be required for public utilities to remove trees situated in proximity to
37 overhead or underground facilities or in case of any emergency in which failure to remove
38 a tree is likely to cause imminent damage to public or private property, as used herein, the
39 term "public utilities" means any "public service company" as defined in Article 78, Section
40 2, of the Annotated Code of Maryland, or its successor statutes; or in case of any
41 emergency in which failure to remove a tree is likely to cause imminent damage to public
42 or private property.

1 E. In issuing a permit, the director of ~~public works~~ **neighborhood and environmental**
2 **programs** or his or her designee may, in its discretion, require that replacement tree(s) be
3 planted. The size, location and variety of any replacement tree may be required by the
4 director of **public works neighborhood and environmental programs** or his or her designee,
5 solely at his or her discretion, to reestablish the visual character and environmental benefits
6 afforded by the trees which were removed. Replacement as follows shall be deemed
7 conclusively to be a reasonable exercise of such discretion:

8 Removed tree Replacement Tree(s)

9 5--10" Diameter breast 1 tree

10 height (dbh)

11 10.1--20 " Diameter breast 2 trees

12 height (dbh)

13 Greater than 20" 3 trees

14 If the tree conservation area is insufficient in size to accommodate more than one
15 replacement tree or if it is undesirable to plant appropriate replacement trees (as
16 determined by the department of ~~public works~~ **neighborhood and environmental programs**,
17 in its sole discretion), then the issuance of the permit shall be conditioned upon the
18 approval by the director of ~~public works~~ **neighborhood and environmental programs** of a
19 planting plan, developed by the owner, to plant replacement trees in another location
20 approved by the department of ~~public works~~ **neighborhood and environmental programs**.
21

22 F. The tree conservation area shall be the first priority for replacement of removed trees as
23 required under the preceding subsection. Alternate planting sites, in order of preference,
24 are:

25
26 1. An area on the property adjacent to any public right of way other than the tree
27 conservation area;

28
29 2. An area within any adjacent public right of way;

30
31 3. Any other public property;

32
33 4. Any property with a conservation designation (e.g.: property reserved as part of the
34 subdivision process; property within the critical area; etc.);

35
36 5. Any other appropriate area.

37 If no alternative planting site can be located, a fee equivalent to the in-ground cost of
38 planting replacement trees shall be paid by the permit applicant to the city, which shall plant
39 an equivalent number of trees in an appropriate location within one year.
40

41 G. A property owner shall replace any tree removed without a permit according to the
42 replacement standard in subsections (E) and (F) above. The site, location and variety of

1 such replacement trees shall be reviewed and approved by the director of ~~public works~~
2 **neighborhood and environmental programs** or his or her designee in accordance with the
3 standards set forth herein.
4

5 H. Violation of this section shall be a municipal infraction punishable by a fine of five
6 hundred dollars for each tree greater than five inches in diameter at 4.5 feet above the
7 ground removed from the tree conservation area without a permit. In addition, the director
8 of ~~public works~~ **neighborhood and environmental programs** or his or her designee may
9 revoke any permit issued under this section and/or issue an order stopping further tree
10 removal whenever the director or his or her designee determines that such action is
11 necessary to accomplish the purpose of this section. Enforcement of this section shall be
12 the responsibility of the department of ~~public works~~ **neighborhood and environmental**
13 **programs**. All fines must be paid in full before any work can continue.
14

15 I. Where this section and any other federal, state or local law regarding tree removal and/or
16 replacement apply to a given circumstance, the more restrictive law shall control.
17

18 **Section 14.12.140 Location.** 19

20 A. Where a tree is requested by an owner of private property adjacent to public property,
21 and the location is determined to be desirable, and no appropriate public property is
22 available, an easement or other legal agreement may be sought to plant on the private
23 property that is in proximity to public property. The legal agreement may contain provisions
24 granting the city permission to select and plant trees under the direction of the director of
25 ~~public works~~ **neighborhood and environmental programs**. The legal agreement shall contain
26 provisions defining the city's absence of liability in the event of personal injury or damage
27 caused during, or as a result of, planting on private property. Appropriate advance written
28 notification shall be made to the adjacent property owners of the city's intent to plant trees.
29

30 B. Trees shall be planted at least thirty feet from the street intersections and at least fifteen
31 feet from driveways and alleys.
32

33 C. No tree shall be planted closer than ten feet to a utility pole or fire hydrant.
34

35 D. Spacing of trees shall be determined by the department according to local conditions,
36 the species, cultivars or varieties used, their mature height, spread and form. Generally,
37 all trees shall be planted twenty-five to fifty feet on center. The exact planting location of
38 each tree and shrub shall be determined by the director of ~~public works~~ **neighborhood and**
39 **environmental programs**.
40

1 E. All planting on unpaved streets without curbs shall have the approval of the department.
2 The trees shall be located so that they will not be injured or destroyed when the street is
3 curbed and paved.
4

5 **Sec. 15.04.060 Authority of police to enforce laws in this title.**
6

7 A. A member of the Annapolis police department, and any duly appointed police
8 officer of Anne Arundel County and the State of Maryland who have jurisdiction in the City
9 of Annapolis by virtue of a memorandum of understanding or agreement, shall have
10 authority to enforce Title 15, including the power to arrest and issue citations for violations
11 of Title 15.
12

13 B. The department of public works may enforce the provisions of Title 15 which
14 relate to permits issued by the department of public works.
15

16 C. The department of neighborhood and environmental programs may enforce
17 the provisions of Title 15 which relate to permits issued by the department of neighborhood
18 and environmental programs.
19

20 **Sec. 15.16.040 Hearings and decisions.**
21

22 A. Whenever an application is submitted by the director of public works, the
23 director of neighborhood and environmental programs or by the harbor master to the port
24 wardens, the port wardens shall cause notice of the hearing of the application to be
25 published once in each week for two consecutive weeks in one newspaper of general
26 circulation published in the city. The second advertisement shall be published at least
27 seven days prior to the hearing.
28

29 B. The notice required by subsection A of this section shall specify the names
30 and residency of the applicant, the location of the projected construction and description
31 of the construction proposed and such other information as the port wardens shall direct.
32 The notice also shall advise that an appeal from a decision of the port wardens to the city
33 council is on the record of the proceedings made before the port wardens and that persons
34 who may desire to appeal a decision of the port wardens shall provide for a verbatim
35 account of the port wardens' proceedings to be recorded and transcribed. The cost of the
36 publication of notice of hearing shall be borne by the applicant.
37

38 C. Additionally, a sign indicating that a permit is being sought and stating the
39 date and time of the meeting of the port wardens shall be posted on the property, both at
40 the street and at the water, by the applicant at least ten (10) days prior to the meeting of
41 the port wardens and shall be removed by the applicant within ten (10) days following the

1 completion of the port warden's consideration of the application. The sign(s) will be
2 prepared by the harbor master.

3
4 D. The decision of the port wardens shall be based upon their judgement of
5 testimony presented to them at the hearing shall be in writing and shall contain the findings
6 of fact upon which the decision is based. All decisions of the port wardens shall be filed
7 with the city clerk.

8
9 E. The port wardens shall cause notice of their decision pertaining to an
10 application to be published within two weeks in one newspaper of general circulation
11 published in the city. The cost of the publication of the notice of decision also shall be borne
12 by the applicant.

13
14 **Sec. 15.20.010 Building permit--Required.**

15
16 A city building permit **issued by the department of neighborhood and environmental**
17 **programs** is required to rebuild, modify, construct or enlarge any structure intended to be
18 installed permanently in the waterways. ~~This permit is obtained from the department of~~
19 ~~public works.~~ An application for a building permit, under either Section 15.20.030 or
20 15.20.040, shall be filed and obtained in accordance with **the procedures of the** department
21 ~~of public works procedures~~ **neighborhood and environmental programs** before any work is
22 initiated. For purposes of this section, a mooring is not a structure for which a building
23 permit is required.

24
25 **Sec. 15.20.020 Building permit--Concept review.**

26
27 A. Prior to filing an application for a building permit under the provisions of
28 Section 15.20.030 or 15.20.040, a prospective applicant may file with the port wardens a
29 sketch setting forth a concept plan of the proposed improvements. The sketch shall
30 contain, at a minimum, an outline of the developable waterway area for the property, as
31 well as the location and dimensions of all existing and proposed piers, mooring piles,
32 mooring buoys and shore protection structures.

33
34 B. Following submission of the sketch of a concept plan as provided by
35 subsection A of this section, the chair of the port wardens, or the chair's designee, shall
36 meet with the prospective applicant, together with the director of **public works and the**
37 **director of neighborhood and environmental programs**, the director of planning and zoning
38 and the fire chief, or their respective designees. At this meeting, city officials shall review
39 the concept plans with the prospective applicant and provide objections or suggestions, as
40 appropriate. Thereafter, an application for a building permit may be filed pursuant to the
41 provisions of Sections 15.20.030 and 15.20.040. To the extent practicable, the application

1 shall take into account any objections or suggestions provided at the concept review
2 meeting.

3
4 **Sec. 15.20.030 Building permit--Application--Rebuilding or repair.**

5
6 A person may not repair or rebuild any structure permanently installed in the
7 waterways without a permit issued by the director of ~~public-works~~ **neighborhood and**
8 **environmental programs**. An application shall be submitted to the director and shall be
9 accompanied by such drawings and specifications as the director requires in order to
10 determine the nature and scope of the work to be performed. If the application satisfies the
11 applicable provisions of Title 21 of this code, as determined by the planning and zoning
12 director, and the director of ~~public-works~~ **neighborhood and environmental programs**
13 determines that the structure to be repaired or rebuilt lawfully was authorized by the port
14 wardens or by Section 15.18.110 or 15.18.120 and was damaged or destroyed not more
15 than one year prior to the date of application, and that the proposed structure is
16 substantially the same as the structure to be repaired or rebuilt, and does not exceed the
17 maximum channelward encroachment of the structure to be repaired or rebuilt, then the
18 director shall issue the permit. If the application satisfies the zoning requirements but the
19 director finds that the application does not satisfy the other provisions of this section, the
20 director shall submit the application to the port wardens to be processed under the
21 provisions of Section 15.20.040.

22
23 **Sec. 15.20.040 Building permit--Application--Remodeling or new construction.**

24
25 Except as provided in Section 15.20.030, an application for a building permit to
26 construct, modify or enlarge any structure installed or intended to be installed permanently
27 in the waterways shall be filed with the director of ~~public-works~~ **neighborhood and**
28 **environmental programs**. When the director of ~~public-works~~ **neighborhood and**
29 **environmental programs** has determined that the application satisfies all applicable
30 regulations of this title and the planning and zoning director has determined that the
31 application satisfies the applicable regulations of Title 21 of this code, the director shall
32 submit the application with the supporting data to the port wardens for their approval or
33 disapproval.

34
35 **Sec. 15.20.060 Building permit--Site plan--Working boatyards and private piers**
36 **with four or fewer slips.**

37
38 A site plan shall be submitted with the application for a building permit for a working
39 boatyard or a private pier with four or fewer boat slips. The site plan shall include the
40 following:

- 41
42 A. A map at a scale of two hundred feet to the inch. The map shall show:

1 1. All properties with riparian rights within one hundred fifty feet of the
2 boundaries of the applicant's property, structures permanently installed in the waterways
3 extending from the other properties, and the adjacent street(s),

4 2. The location and description of any existing deterrents or aids to navigation
5 within five hundred feet of the boundaries of the applicant's property;

6
7 B. A detailed site plan at a scale of forty feet to the inch. The site plan shall
8 show:

9
10 1. Bathymetry of the developable waterway area shown at two-foot intervals at
11 mean high water (unless otherwise specified by the director of ~~public works~~ **neighborhood**
12 **and environmental programs**),

13
14 2. Mean high water and mean low water lines,

15
16 3. Wetlands, if any,

17
18 4. Location and dimensions of all existing and proposed piers, mooring piles,
19 mooring buoys, shore protection structures (including groins, jetties, riprap and bulkheads),
20 and material for the proposed structures,

21
22 5. Location and dimensions of all areas to be dredged including proposed
23 depths (if applicable),

24
25 6. Volume of dredged spoil to be removed, type of material, location and
26 dimensions of disposal area(s) including dikes (if applicable).

27
28 **Sec. 15.20.130 Grading permit.**

29
30 A. A grading permit is required for any dredging, filling or other activity which
31 would result in a waterway bottom or shoreline modification.

32
33 B. Application for the permit shall be filed with the director of ~~public works~~
34 **neighborhood and environmental programs**. The director shall submit the application to the
35 environmental commission for an environmental assessment. When the director has
36 determined that the application satisfies all applicable city codes, the application shall be
37 submitted to the port wardens with the environmental assessment and all supporting data
38 for their approval or disapproval.

39
40 C. The nonrefundable fee for the application for a grading permit shall be paid
41 at the time the application is filed. The fee for a grading permit shall be paid at the time of
42 issuance.

1 D. The fees for the application and the grading permit shall be established from
2 time to time by the city council.

3
4 **Sec. 15.20.140 State and federal permits and approvals.**

5
6 State and federal permits and approvals required for construction, modification,
7 enlargement, reconstruction and repair of marinas, community and private piers, mooring
8 piles, mooring, and dredging shall be obtained by the applicant and submitted to the
9 director of ~~public works~~ **neighborhood and environmental programs** or harbor master, as
10 a prerequisite to issuance of a city building, mooring, grading or dredging permit. The
11 applicant shall furnish to the director or harbor master a certified copy of the plans with
12 supporting data, showing approval of the plans by state and federal agencies. If the
13 application approved by the port wardens subsequently is modified by state or federal
14 agencies, it shall be resubmitted to the port wardens for approval prior to issuance of any
15 permit required by this title.

16
17 **Sec. 15.24.010 Additional enforcement responsibility generally.**

18
19 In addition to the harbor master and members of the City police department the
20 department of ~~public works~~ **neighborhood and environmental programs**, and the fire
21 department shall enforce certain provisions of this title. The department of ~~public works~~
22 **neighborhood and environmental programs** shall enforce those sections relating to
23 structures and the issuance of permits therefor. The fire department shall enforce those
24 sections relating to fire protection.

25
26 **Section 16.04.040 Air-conditioning discharge into public way or stormwater drain.**

27
28 A. No person shall install an air-conditioning unit which discharges water into a public way
29 or stormwater drain.

30
31 B. A person who violates this section is guilty of a municipal infraction and is subject to a
32 fine of one hundred dollars for any single, initial violation and a fine of two hundred dollars
33 for each repeat or continuing violation.

34
35 C. **The director of neighborhood and environmental programs or the director's designee**
36 **shall have the power to enforce the provisions of this section through the issuance of a**
37 **municipal citation.**

38
39 **Section 16.16.340 Connection to adjoining sewer.**

40
41 No person shall erect or allow to remain on premises adjoining any street, lane or alley
42 through which a public sewer is laid a sink, vault, box or other receptacle for privy matter,

1 but the person, under a permit issued as provided in Chapter 16.04, shall attach a drain
2 pipe with proper taps from the premises to connect with the public sewer, the connection
3 to be of sufficient capacity and constructed to carry to the sewer all privy or other matter
4 which may pass through the sewer connection, and have connections no larger than the
5 main sewer in that particular street. The director of public works shall give twenty days
6 notice to a person to make the proper sewer connections as required by this section. In
7 case of default and neglect in making the required connection, the director of public works
8 shall cause the work to be done in a suitable manner. The user shall pay the cost of the
9 work. The costs shall be a charge upon the real estate, **constitute a lien upon the property**
10 and shall be collected as real property taxes are collected.

11
12 **Section 16.28.050 Allocation of capacity on issuance of building and grading**
13 **permits.**

14
15 A. Available water or wastewater capacity may be allocated by the director of public works,
16 if available, on issuance of a building or grading permit **by the neighborhood and**
17 **environmental programs department.**

18
19 B. Except as set forth in subsection D of this section, a building permit or grading permit
20 may not be issued until all fees required by this article are paid in full.

21
22 C. If a building or grading permit is revoked or for any reason becomes void, the allocation,
23 twenty percent of the capital facility connection charge, and any other fees paid as a part
24 of the building or grading permit are forfeited.

25
26 D. The capital facility connection charge will be paid for a single-family structure that is to
27 be owner-occupied, at the time a permit is issued for connection to the city's water or
28 wastewater service.

29
30 E. The allocation account will be so revised.

31
32 **Section 17.04.060 Approved.**

33
34 "Approved," as used in this title, means accepted by the director of ~~public works~~
35 **neighborhood and environmental programs.**

36
37 **Section 17.04.120 Certification.**

38
39 "Certification" means a signed, written statement that specific construction, inspections or
40 tests shall be or have been performed and that they comply with the applicable standard
41 of this title. Certification shall be required by a registered professional of an appropriate

discipline for the work performed, as determined by the director of ~~public works~~ **neighborhood and environmental programs**.

Section 17.04.180 Critical area.

"Critical area" means all lands and waters defined in ~~Section 8-1807 of the~~ **Annotated Code of Maryland**, Natural Resources Article, **Section 8-1807 (or its successors)** ~~Annotated Code of Maryland~~.

Section 17.04.220 Department.

"Department" means the department of ~~public works~~ **neighborhood and environmental programs** of the city of Annapolis.

Section 17.04.290 Director.

"Director" means the director of ~~public works~~ **neighborhood and environmental programs** of the city of Annapolis.

Section 17.04.350 Engineer.

~~"Engineer" means a professional engineer in good standing and properly registered by the state of Maryland to practice engineering in accordance with the provisions of Article 75-1/2 of the Annotated Code of Maryland (1957 edition, as amended).~~

"Engineer" means a "professional engineer" as defined in the Maryland Professional Engineers Act, Annotated Code of Maryland, Business Occupations and Professions Article, Title 14 (or its successors), who is in good standing and properly registered by the State of Maryland to practice engineering in accordance with the Act.

Section 17.04.980 Wetlands.

~~"Wetlands" means any area that has saturated soils or periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding, to include but not limited to land which is either considered "private wetland" or "state wetland" pursuant to Title 9, Wetlands and Riparian Rights, Natural Resources Article~~ **Annotated Code of Maryland, Environment Article, Title 16 (or its successors)**, or defined as "wetland" by the U.S. Fish and Wildlife Service identification and classification procedures **(or its successors)**.

Section 17.08.010 Purpose.

A. The purpose of this chapter is to protect the public health, safety and property and the general welfare of the community by establishing minimum requirements for the stripping, excavating and filling of land, for dredging, and for the control of soil erosion and sediment.

1 Minimizing soil erosion and off-site sedimentation will minimize damage to public and
2 private property, and assist in the attainment and maintenance of water quality standards.

3
4 B. The provisions of this chapter are minimum requirements. They shall be conformed to
5 in addition to, rather than in lieu of, all other legal requirements, and shall be construed
6 liberally to accomplish the purposes set forth. No person shall allow and no landowner shall
7 permit any work to be performed which violates this chapter.

8
9 C. The provisions of this chapter **are adopted** pursuant to ~~the Environmental Article,~~
10 ~~Sections 4-101 through 4-109, Annotated Code of Maryland~~ **Annotated Code of Maryland,**
11 **Environment Article, Title 4, Subtitle 1 (or its successors), are adopted under as well as the**
12 **authority of this the city charter and the city** code and shall apply to all grading occurring
13 within the city.

14
15 **Section 17.08.250 Appeals.**

16
17 ~~The building board of appeals shall consider appeals from the provisions of this chapter~~
18 ~~from the determination of the director or his or her designee in the manner specified in the~~
19 ~~building code. The board may make determinations of alternative methods, standards or~~
20 ~~materials when, in its opinion, strict compliance with this chapter is unnecessary.~~

21
22 A. A person aggrieved by an order from the director or the director's designee made
23 pursuant to this chapter, other than the issuance of a municipal citation or the charging of
24 a misdemeanor, may appeal to the building board of appeals within fifteen calendar days
25 of the date of the order. The petition for appeal shall be in writing stating the grounds for
26 appeal and shall be filed with the department of neighborhood and environmental programs
27 along with a nonrefundable fee in an amount established by the city council. Any right to
28 appeal shall be waived if not timely filed.

29
30 B. The building board of appeals shall consider the appeal based upon the information
31 provided to the department of neighborhood and environmental programs at the time of the
32 order from which the appeal is taking. If the board finds that the order was in error or
33 contrary to the provisions of this code or other applicable law, the board may reverse or
34 modify the order. The decision of the board on all appeals shall be in writing and shall
35 contain the factual findings of the board and the reasons for the decision.

36
37 C. A person aggrieved by a decision of the building board of appeals made pursuant to this
38 section may appeal that decision to the circuit court for Anne Arundel County pursuant to
39 Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a
40 person shall not be considered aggrieved by a decision of the board unless the person has
41 appeared as a party at the hearing before the board. An appeal under this section shall be

1 taken within thirty days of the date of the decision appealed and shall be the exclusive
2 remedy of the aggrieved party from that decision.

3
4 **Section 17.08.295 Violations.**

5
6 A. Unless noted otherwise, any person who violates any section of this chapter shall be
7 guilty of a municipal infraction and is subject to a fine of five hundred dollars for any single
8 initial violation and a fine of five hundred dollars for each repeat or continuing violation. All
9 fines must be paid in full prior to any continuation of work or prior to any further inspections.

10
11 B. The director or the director's designee shall have the power to enforce the provisions
12 of this chapter through the issuance of a municipal citation or through any other appropriate
13 action or proceedings at law or equity.

14
15 **Section 17.09.010 Findings.**

16
17 A. Trees in the landscape provide a productive land use with significant water quality and
18 wildlife habitat benefits. Trees also diminish air pollution, reduce noise, moderate
19 temperature extremes, and increase property values, but can be affected adversely by
20 indiscriminate development.

21
22 B. Inadequate attention during development to the ecologic function of trees can result in
23 measurable environmental and economic damage to property.

24
25 C. The city of Annapolis is committed to the coordination of controlled development with
26 certain environmental objectives, in compliance with the Chesapeake Bay critical area
27 areas program as required by Annotated Code of Maryland, Natural Resources Article 8-
28 1808(D), Title 8, Subtitle 18, (or its successors) ~~Annotated Code of Maryland~~, and as stated
29 throughout the city charter and city code. The presence of trees in the landscape helps to
30 achieve these goals.

31
32 **Section 17.09.025 Applicability.**

33
34 A. The requirements of this chapter shall apply for any application for a building and
35 grading permit, or any application for a development project requiring site design review
36 in accordance with the requirements of Chapter 21.98

37
38 B. The ~~state of Maryland Forest Conservation Act (Code of Maryland Natural Resources~~
39 ~~Article 5.1601 -- 5.1613 and amendments)~~, Annotated Code of Maryland, Natural
40 Resources Article, Title 5, Subtitle 16 (or its successors) shall apply to any public or private
41 subdivision plan, or application for a grading permit, or any application for a development
42 project requiring site design review, on areas forty thousand square feet or greater, except

1 as provided in ~~Section 5-1602(B) of the act~~ Annotated Code of Maryland, Natural
2 Resources Article, Section 5-1602 (b) (or its successors). Where any provision of the
3 Forest Conservation Act and a provision of the city code both apply, the more restrictive
4 requirements may be employed.

5
6 **Section 17.09.030 Landscape plan.**
7

8 A. **Landscape Plan.** Any application for a building or grading permit submitted in
9 accordance with the requirements of this title, or any application for a development project
10 requiring site design review in accordance with the requirements of Chapter 21.98, shall
11 include a landscape plan at a scale of one inch to forty feet. The landscape plan shall be
12 considered a part of the permit or site plan design review application and shall be subject
13 to the review requirements and administrative procedures of this title or Chapter 21.98,
14 whichever shall apply.

15
16 B. Submittal Requirements. A landscape plan submitted in accordance with this chapter
17 shall include:

18
19 1. Limits of Disturbance (LOD). Within the limits of disturbance and within fifteen feet of the
20 LOD, the location, diameter at breast height (DBH), and species of all existing trees equal
21 to or greater than five inches DBH. If the size of the parcel and the number of affected trees
22 renders the individual identification of all trees unreasonable, as mutually determined by
23 the applicant and the department of ~~public works~~ neighborhood and environmental
24 programs, accepted methods of forest cruising may be substituted, although all individual
25 trees in excess of twelve inches DBH must be individually identified;

26
27 2. Limits of Project Development. Depict building footprints, access drives, parking areas,
28 public streets, existing and proposed utilities and stormwater management structures,
29 proposed finished grades, and sediment and erosion control structures;

30
31 3. All trees, regardless of size, or tree areas within the legal boundaries of the property
32 which are to be preserved for incorporation into the proposed site design, noting all tree
33 driplines;

34
35 4. Tree preservation details, in accordance with Sections 17.09.040 and 17.09.050 of this
36 chapter;

37
38 5. Locations of trees to be replaced under Section 17.09.070 of this chapter, and areas
39 proposed for additional landscaping. The plan shall show:

- 40 a. The tree name, both botanical and common,
41 b. Quantity of each species used in the plan,
42 c. Caliper measured six inches above ground,

- d. Type of rootstock, and
- e. Typical planting detail;

6. Proposed and required buffer areas;

7. Substantive agreement with the site plan design review as required by Chapter 21.98 of this code;

8. Conformance with all applicable sections of this chapter;

9. Other relevant information as may be required by the department of public works neighborhood and environmental programs.

C. Guidelines for Selecting Trees for Preservation. In determining which trees shall be preserved in the development process, consideration shall be given to preserving those which:

1. Complement the project design, including the enhancement of building architecture and street-scape appearance;

2. Exhibit strong branching and rooting capabilities and are disease and insect resistant;

3. Are tolerant of environmental change, e.g., increased sunlight, heat, wind, alteration of water regime;

4. Provide a good source of food, cover or nesting sites for wildlife, or act as a wildlife corridor;

5. Exist in natural groupings, including islands of trees and wildlife corridors;

6. Complement stormwater management designs;

7. Augment or do not conflict with sedimentation and erosion control designs;

8. Do not conflict with existing utilities or proposed utility installation;

9. Do not have proposed structures, sidewalks, roads, parking lots etc. within driplines;

10. Are specimens for the particular species or have recognized significance;

11. Are within proposed buffer areas;

12. Are recommended for preservation by Maryland Forest, Parks and Wildlife Service (or its successor agencies); or

13. Are recommended for preservation by the department of public works neighborhood and environmental programs for some other reason demonstrated to be in furtherance of the purposes of this chapter as set forth in Section 17.09.020.

D. **Conflicting Criteria.** In the event that two or more conflicting guidelines are present in the evaluation of the preservation of trees on a site, consideration shall be given to those criteria most relevant to the planned use of the proposed development.

E. **Applicability.** No cutting, clearing, digging or grading may be undertaken within a development area until a landscaping plan has been approved. Neither may any landscaping be undertaken until approval of the permit application and subsequent issuance of the permit.

F. **Replacement Value of Removed/Damaged Trees.** Any trees which have been designated for preservation on the landscaping plan, or are outside the limits of development, and subsequently have been removed or damaged within the boundaries of the property under development, or any adjacent properties, shall be replaced at a value not to exceed the value of each tree as established by the formula in the latest revision of "A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens," prepared by the International Society of Arboriculture. A bond may be required for trees designated for preservation according to this value.

G. **Exceptions.**

1. A landscape plan shall not be required under the terms of this chapter where the applicant can demonstrate clearly that there are no existing trees or tree areas within the proposed limits of development.

2. A landscaping plan shall not be required for the regular maintenance of existing public utilities or the approved installation of public utilities, nor shall a replacement value be required or assessed.

3. The provisions of this chapter do not apply to projects which were granted special exception approval, or building or grading permit approval prior to November 15, 1988, provided that they are in conformance with all other approved plans and conditions.

Section 17.09.040 Protection of trees before construction.

1 A. Trees or tree areas that are to be preserved shall be marked visibly in the field prior to
2 clearing or construction.

3
4 B. Protection devices shall be installed prior to clearing or construction, as specified by the
5 department of ~~public works~~ **neighborhood and environmental programs**, and shall be shown
6 on the approved plan. Devices may include, but not be limited to snow fencing, board
7 fencing, silt fencing, posts, string and flagging, water based paint. Protective devices shall
8 be evident and effective. Construction personnel shall be notified of the purpose and
9 presence of the protection devices.

10
11 C. All clearing limits and protective devices are to be inspected and approved by the
12 department of ~~public works~~ **neighborhood and environmental programs** prior to
13 commencing clearing and construction. The developer shall arrange an on-site inspection
14 prior to commencing grading or clearing..

15
16 **Section 17.09.050 Protection of trees during construction.**

17
18 A. Grading or filling shall not take place inside the dripline of trees to be preserved, unless
19 approved by the department of ~~public works~~ **neighborhood and environmental programs**.

20
21 B. If grading or filling is proposed inside the dripline of trees to be preserved, root aeration
22 practices and/or tree wells or walls shall be used, the design of which shall be approved
23 by the department of ~~public works~~ **neighborhood and environmental programs**.

24
25 C. Trenching and/or tunneling should take place outside of the dripline of trees to be
26 retained.

27
28 D. Trenching and/or tunneling proposed inside the dripline of trees to be preserved shall
29 be accomplished according to procedures which minimize root damage, and must be
30 approved by the department of ~~public works~~ **neighborhood and environmental programs**.

31
32 E. Temporary storage of any construction materials, including fill, gravel, felled trees,
33 construction supplies or equipment, within the driplines of protected trees shall be
34 prohibited.

35
36 F. The routing of heavy equipment, including cars, trucks and bulldozers, and construction
37 trailers within the driplines of protected trees shall be prohibited without the consent of the
38 department of ~~public works~~ **neighborhood and environmental programs**.

39
40 G. All sediment and erosion control silt fencing or straw bales shall be placed at the limits
41 of grading or in those locations where deposition of sediment is minimized within the
42 driplines of trees to be preserved.

1 H. Where a cut is approved within the dripline of trees to be preserved, exposed and/or
2 damaged roots are to be trimmed cleanly and covered temporarily with moist peat moss,
3 burlap or other suitable material to keep them from drying out.

4 I. Where a fill is approved within the dripline of trees to be preserved, all organic matter is
5 to be removed and fertilizer is to be spread according to the department of ~~public works~~
6 **neighborhood and environmental programs** specifications prior to raising the grade.

7
8 J. No protective devices, signs, utility poles or other objects shall be nailed to any trees
9 which are to be preserved.

10
11 K. Any other action within the dripline of protected trees which may result in the severing
12 of roots, compaction of soil or the placing of any substance within the dripline which
13 impedes the free access of air and water to tree roots is prohibited without the consent of
14 the department of ~~public works~~ **neighborhood and environmental programs**.

15
16 L. The department of ~~public works~~ **neighborhood and environmental programs** may require
17 other tree protection practices as on-site circumstances may dictate.

18
19 M. If it becomes necessary subsequent to clearing to remove additional trees which were
20 shown on the plan to be preserved, the department of ~~public works~~ **neighborhood and**
21 **environmental programs** shall be notified and must grant approval prior to performing any
22 additional clearing.

23
24 **Section 17.09.060 Protection of trees after construction.**

25
26 A. After construction is completed, temporary barriers, surplus materials and all debris
27 shall be removed from protected tree areas.

28
29 B. Any damage to the crown, trunk or root system of trees remaining on site shall be
30 repaired immediately.

31
32 C. Trees wounded during construction shall have their wounds cleaned, torn bark cut, and
33 the wounds properly shaped for healing.

34
35 D. Any dead or damaged branches are to be removed in a proper manner, as well as any
36 noxious vines. Selective pruning may be necessary if cutting, filling, trenching or tunneling
37 was undertaken within a tree's dripline, thereby reducing the healthy root area.

38
39 E. Fertilization may be required where topsoil or surface litter within a tree's dripline has
40 been removed, or a tree's root area has been reduced. Any fertilization shall be
41 accomplished according to specifications provided by the department of ~~public works~~
42 **neighborhood and environmental programs**.

1 F. The developer shall arrange an on-site inspection by the department of public works
2 **neighborhood and environmental programs**. Approval of post-construction tree protection
3 practices shall be required prior to the issuance of any use or occupancy permits.
4

5 **Section 17.09.070 Replacement value--Mitigation--Fee in lieu--Exceptions.**
6

7 A. Replacement Trees. It is the intent of this section to ensure that landscaping proposed
8 in association with development will reflect the density and species of those trees
9 necessarily removed for development. Therefore, trees removed for development shall be
10 replaced according to the following requirements:
11

12 1. Individual trees of from five up to eight inches DBH shall be replaced on a basis of one
13 replacement tree for every four trees removed.
14

15 2. Individual trees of from eight up to twelve inches DBH shall be replaced on a basis of
16 one replacement tree for every two trees removed.
17

18 3. Individual trees of from twelve up to eighteen inches DBH shall be replaced on a basis
19 of one replacement tree for every single tree removed.
20

21 4. Individual trees of from eighteen up to twenty-four inches DBH shall be replaced on a
22 basis of two replacement trees for every single tree removed.
23

24 5. Individual trees of DBH greater than twenty-four inches shall be replaced on a basis of
25 three replacement trees for every single tree removed.
26

27 6. Regardless of the final total of replacement trees established according to these
28 requirements, there must be at least one replacement tree.
29

30 7. One or more trees may be transplanted as replacement trees from areas designated to
31 be cleared on a development site.
32

33 8. Deciduous replacement trees of nursery stock shall be a species native to Maryland and
34 a minimum of two inches in caliper measured six inches from the ground. Coniferous
35 replacement trees of nursery stock shall be a minimum of five feet in height. Transplanted
36 trees shall be, at a minimum, of the approximate size as replacement trees required from
37 nursery stock and shall be of good appearance and in apparent good health.
38

39 9. Any landscaping requirements imposed under other sections of this code shall include
40 any and all replacement trees.
41

10. Any waiver or modification to these requirements shall be made in accordance with Section 17.09.130 of this chapter.

B. Mitigation. If the number of trees to be planted, as determined by the tree replacement requirements, exceeds the number of trees which can be accommodated practically on site as determined by the department of ~~public-works~~ **neighborhood and environmental programs**, off-site planting may be requested at locations as determined by the developer and/or the departments of ~~public-works~~ **neighborhood and environmental programs** and planning and zoning, or a fee in lieu of off-site planting may be required as provided in subsection C of this section. Trees removed for development within the critical area must be replaced within the critical area.

C. Fee in Lieu. Where, pursuant to subsection A of this section, replacement on site is not practical and an off-site location cannot be determined and agreed upon by the developer and the department of ~~public-works~~ **neighborhood and environmental programs**, a fee in lieu may be assessed which is adequate to ensure an equivalent tree replacement as required by subsection A of this section. In-ground cost plus ten percent will be estimated and provided by the developer to the department of ~~public-works~~ **neighborhood and environmental programs** for approval. All funds collected by this process will be expended exclusively for tree planting and tree maintenance within the city under the auspices of the urban forestry program and, wherever possible, within reasonable proximity to the development from which fees are collected for planting. Fees in lieu collected for trees removed within the critical area shall be expended exclusively for tree planting and tree maintenance within the critical area, and if possible within the same creek watershed.

D. Exceptions. The following trees removed for development are not subject to the requirements of subsections A, B and C of this section:

1. Trees removed for the construction of approved roads and the installation or maintenance of public utilities.

a. Approved roads include city required public roads and fire lanes, but does not include any portion of a parking lot.

b. Public utilities include gas, electric, water and sewer main transmission lines, and stormwater management structures within required easements;

2. Trees which have been confirmed by the department of ~~public-works~~ **neighborhood and environmental programs** to be hazardous, dead, dying or diseased;

3. Trees transplanted from one part of a development site to another; and

4. Trees located in the critical area as defined by the state of Maryland, the mitigation and replacement of which shall be subject to the requirements of Section 17.09.080 of this chapter.

E. General Applicability. Except as provided by subsection D of this section, the requirements of this section apply to all development and construction undertaken pursuant to any grading permit or pursuant to any building permit for construction which may involve the disturbance of land but for which a grading permit previously was not required.

F. **Minimum Standards.** Afforestation and reforestation as required by the state of Maryland Forest Conservation Act, ~~Sections 5.1606 and 5.1607~~, Annotated Code of Maryland, Natural Resources Article, Title 5, Subtitle 16 (or its successors) shall be a minimum standard for the replacement and planting of trees where Chapter 17.09 of the city code applies, regardless of the square footage of the area disturbed.

Section 17.09.080 Critical area.

A. Critical Areas Map. The locations of intensely developed areas, limited development areas, resource conservation areas and the critical area buffer are shown on the approved critical areas map for the city of Annapolis and its amendments.

B. Guidelines for Intensely Developed Areas.

1. Areas of natural vegetation are to be maximized.

2. When the cutting or clearing of trees is associated with development activities, a detailed landscape plan shall be developed showing street tree plantings, buffer plantings and landscaping.

3. Replacement shall be accomplished in accordance with the value of the trees removed as determined by the formula in the latest revision of "A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens" prepared by the International Society of Arboriculture.

4. Off-site mitigation shall be consistent with Section 17.09.070 (B) of this chapter.

5. Fee in lieu shall be consistent with subsection (B)(3) of this section.

6. Proposed development shall be consistent with the approved critical areas plan for the city of Annapolis.

C. Guidelines for Limited Development Areas.

1 1. All trees that are allowed to be removed shall be replaced in the critical area on a not
2 less than an equal area basis.

3
4 2. Under normal circumstances, no more than twenty percent of any forest or woodland
5 may be removed from forest use, except as permitted in subsection (C)(3) of this section.
6 The remaining eighty percent shall be maintained through recorded, restrictive covenants
7 or similar instruments.

8
9 3. A developer may clear or develop up to thirty percent of any forest or woodland,
10 provided that the afforested area shall be 1.5 times the total surface acreage of the
11 disturbed forest or developed woodland. The remaining seventy percent shall be
12 maintained through recorded, restrictive covenants or other similar instruments.

13
14 4. If no forest is established on proposed development sites, these sites shall be planted
15 to provide a forest or developed woodland cover of at least fifteen percent of the total
16 surface area of the site.

17
18 5. Forests which have been cleared before obtaining a grading permit, or that exceed the
19 maximum area allowed in subsection (C)(3) of this section shall be planted at three times
20 the areal extent of the cleared forest.

21
22 6. The developer shall consider the recommendations of the Maryland Forest, Parks and
23 Wildlife Service when planning development on forested lands.

24
25 7. Off-site mitigation shall be consistent with Section 17.09.070 of this chapter.

26
27 8. Fee in lieu shall be consistent with Section 17.09.070 (C) of this chapter and shall be
28 adequate to ensure equivalent replacement consistent with subsection C of this section.

29
30 9. Proposed development shall be consistent with the approved critical areas plan for the
31 city of Annapolis.

32
33 D. Guidelines for Resource Conservation Areas.

34
35 1. The overall acreage of forest and woodland within the resource conservation area may
36 not be decreased.

37
38 2. Any development within a resource conservation area that requires the cutting or
39 clearing of trees must replace the trees on a not less than an equal area basis, except
40 where trees are removed according to subparagraphs 4, 6 and 8 of subsection E of this
41 section.
42

3. Fee in lieu shall be consistent with Section 17.09.070 (C) of this chapter, and shall be adequate to ensure equivalent replacement consistent with subsection D of this section.

4. Proposed development shall be consistent with the approved critical areas plan for the city of Annapolis.

E. Guidelines for the Critical Area Buffer.

1. A one-hundred-foot buffer is established landward from the mean high water line of tidal waters, tributary streams, and tidal wetlands which is a protected area.

2. New development activities, including structures, roads, parking areas and other impervious surfaces, mining or related facilities, or septic systems, may not be permitted in the buffer, except for those necessarily associated with water-dependent facilities.

3. The buffer shall be maintained in natural vegetation, but may include planted vegetation as approved by the department of ~~public works~~ **neighborhood and environmental programs** where necessary to protect, stabilize or enhance the shoreline.

4. Cutting of trees or removal of natural vegetation may be permitted where necessary to provide access to private piers, or to install and construct a shore erosion protection device or measure, or a water-dependent facility, provided the device, measure or facility has received all necessary city, state, and federal permits.

5. With the concurrence of the department of ~~public works~~ **neighborhood and environmental programs**, individual trees may be cut for personal use providing that this cutting does not impair the water quality or existing habitat value or other functions of the buffer, and provided that the trees are replaced on an equal area basis for each tree cut.

6. With the concurrence of the department of ~~public works~~ **neighborhood and environmental programs**, individual trees may be removed which are in danger of falling and causing damage to dwellings or other structures, or which are in danger of falling and therefore causing the blockage of streams, or resulting in accelerated shore erosion.

7. Horticultural practices shall be used to maintain the health of individual trees.

8. Other cutting techniques may be permitted within the one-hundred-foot buffer and under the advice and guidance of the department of ~~public works~~ **neighborhood and environmental programs**, if necessary to preserve the forest from extensive pest or disease infestation or threat from fire.

1 F. Forest Preservation Plan. The forest preservation plan as described within the approved
2 critical areas program for the city of Annapolis shall be consistent with the provisions of this
3 chapter.

4
5 G. ~~Forest Undeveloped~~ ~~Would-Wood Land~~. Where forests or developed woodland occur
6 within the city of Annapolis, local policies and programs for tree cultural operations in the
7 critical area shall be consistent with the critical area program of the city of Annapolis.
8

9 H. Applicability. The requirements of this section are in addition to, and not in lieu of, any
10 and all requisites of Chapter 17.09.

11
12 I. Restrictions. The requirements of this section do not restrict the removal of hazardous,
13 dead, dying or diseased trees, although replacement may be required as determined by
14 the department of ~~public-works~~ **neighborhood and environmental programs**, nor are
15 accepted horticultural practices restricted.
16

17 J. **Variance Procedures**. Variance procedures shall be in accordance with the approved
18 critical areas plan of the city of Annapolis.
19

20 K. **Minimum Standards**. The provisions of the **Maryland** Forest Conservation Act,
21 **Annotated Code of Maryland, Natural Resources Article, Title 5, Subtitle 16,(or its**
22 **successors)** do not apply to the critical area, except that afforestation and reforestation as
23 required by the ~~Forest Conservation Act~~ shall be a minimum standard for the replacement
24 and planting of trees.
25

26 **Section 17.09.090 Natural and landscaped buffers.**

27

28 A. Guidelines for the Design of Areas Designated as Natural or Landscaped Buffers. The
29 criteria set forth in this section shall be taken into consideration in the design of all buffer
30 areas shown on the landscaping plan required by Section 17.09.030, including all buffers
31 included to satisfy the requirements of Section 21.98.050 of this code.
32

33 1. The primary purpose of the buffer shall be defined on the landscaping plan and the
34 natural or landscaped buffer shall reflect that definition. The purpose of a buffer may
35 include, but not be limited to, urban streetscape beautification, enhancement of building
36 architecture, visual shielding, noise reduction, wildlife habitat enhancement, and water
37 quality management.
38

39 2. A defined buffer shall comply with the standards for tree preservation as defined in
40 Section 17.09.030 (B).
41

1 3. Within the critical area, the buffer shall be consistent with the requisites for habitat
2 protection areas in the critical area (Section 17.09.080 (E) of this chapter).

3
4 4. The buffer shall have vertical stratification, i.e., canopy layer, understory and shrub
5 layer, as needed to reflect the stated purpose of the buffer.

6
7 5. The buffer shall have continuous plantings and/or existing vegetation within the
8 designated buffer area, as needed to reflect the stated purpose of the buffer.

9
10 6. The buffer shall be designed in full cognizance of any utility plans, stormwater
11 management plans, sedimentation and erosion control plans, and grading plans. Wherever
12 architecturally or engineeringly possible, interference with designated buffer areas is to be
13 avoided.

14
15 7. Plantings within the buffer area shall not impair access to utilities for their maintenance
16 and repair.

17
18 8. Plantings may not be within or atop any stormwater management structures, but shall
19 be placed to complement their function, if possible.

20
21 9. Where a designated buffer area adjoins other landscaped or natural areas, the developer
22 shall blend the proposed buffer with existing adjacent conditions, with particular attention
23 to the necessity to provide wildlife corridors.

24
25 10. Any landscaping of the designated buffer area shall occur after the placement of
26 sidewalks, roads, driveways, utilities and stormwater management structures which may
27 affect the buffer, and after final grade has been established.

28
29 11. Trees required to be replaced on-site according to Section 17.09.070 (A) and (B) shall
30 be placed, as a first priority, within designated buffer areas if additional planting in the buffer
31 is stipulated.

32
33 12. Any changes made in the field to a designated buffer area must first be approved by
34 the departments of ~~public works~~ neighborhood and environmental programs and planning
35 and zoning.

36
37 13. Natural and landscaped buffers within the critical area shall be subject to the requisites
38 of Sections 17.09.080 in addition to the requisites of this section. If there are any
39 inconsistencies between these sections, the more restrictive shall apply.

40
41 **Section 17.09.100 Landscape standards.**
42

1 A. All designated buffer areas, as well as all other on-site natural or landscaped areas,
2 shall be consistent with Chapter 14.12, and Sections 20.24.160 and 21.64.200 where
3 applicable. If there are any inconsistencies between these sections, the more restrictive
4 shall prevail.

5
6 B. The developer/owner is responsible for the purchase, planting, care and maintenance
7 of all trees planted in accordance with this chapter, except for the care and maintenance
8 of trees planted off-site pursuant to Section 17.09.070 (B). Additionally, the
9 developer/owner is not responsible for the care and maintenance of trees and shrubs
10 planted for a single-family or two-family attached or detached home after sale of the home
11 by the builder or developer to the initial consumer. All trees of nursery stock installed
12 according to the requisites of this chapter must be listed on the state and/or city
13 recommended tree list and shall meet American Association of Nurserymen standards for
14 nursery stock.

15
16 C. The department of public works **neighborhood and environmental programs** may require
17 that the installation of all improvements as noted on the approved landscape plan be
18 bonded, including those trees designated for preservation, and excluding those trees
19 transplanted from one location on site to another, and excepting those trees to be planted
20 off-site pursuant to Section 17.09.070 (B). On the satisfactory completion of the
21 improvements as noted on the approved landscape plan, the security described in this
22 section shall be released; provided, however, that a one year maintenance bond or other
23 appropriate security be substituted in an amount to be determined by the director, which
24 amount shall be not more than ten percent of the cost of installation of the improvements.
25 The amount of this bond or other security shall be reduced to reflect the portion attributable
26 to those trees on a lot with a single-family or two-family attached or detached home after
27 the sale of that home by the developer or building to the initial consumer. Any waiver or
28 modification to these requirements shall be made in accordance with Section 17.09.130 of
29 this chapter.

30 31 **Section 17.09.120 Landscaping plans--Approvals--Inspections.**

32
33 A. Plans. In accordance with Section 17.09.030 of this chapter, landscaping plans shall be
34 submitted for review to the departments of public works **neighborhood and environmental**
35 **programs** and planning and zoning.

36
37 B. Approvals.

38
39 1. No cutting, clearing, digging or grading may be undertaken until a landscape plan has
40 been approved. No landscaping may be undertaken until the approval of the landscape
41 plan.
42

1 2. Where development is proposed within the critical area, all plans must be consistent
2 with the approved critical area program for the city of Annapolis.

3
4 3. Plan approvals or disapprovals shall be made in writing by the city of Annapolis
5 department of ~~public-works~~ **neighborhood and environmental programs** to the applicant.

6
7 C. Inspections.

8
9 1. Work which may affect tree areas designated for preservation may not proceed to the
10 next phase of construction until the department of ~~public-works~~ **neighborhood and**
11 **environmental programs** approves tree protection measures pursuant to Sections
12 17.09.040, 17.09.050 and 17.09.060.

13
14 2. Areas designated as buffers shall be inspected by the department of ~~public-works~~
15 **neighborhood and environmental programs** and department of planning and zoning for
16 agreement with the approved buffer site plan. Occupancy and/or use permit approvals shall
17 be contingent upon the favorable inspection of buffer areas.

18
19 3. The project site shall be inspected by the department of ~~public-works~~ **neighborhood and**
20 **environmental programs** and the department of planning and zoning for agreement with the
21 approved landscape plan. Occupancy and/or use permit approvals shall be contingent upon
22 the favorable inspection of the project site.

23
24 4. Any bonds required by the city of Annapolis for landscaping will be reduced upon the
25 final inspections by the departments of ~~public-works~~ **neighborhood and environmental**
26 **programs** and planning and zoning, or at that time that the landscape requirements are met
27 by the developer/applicant.

28
29 **Section 17.09.130 Waiver or modification.**

30
31 A. The director of ~~public-works~~ **neighborhood and environmental programs**, upon
32 consideration of the recommendations of the director of planning and zoning, may waive
33 or modify the minimum requirements set forth in this chapter if it can be demonstrated by
34 the applicant that:

35
36 1. Special practices may be undertaken which will meet the intent of this chapter but not
37 the minimum requirements as strictly interpreted; or

38
39 2. Special circumstances exist which prevent the applicant from meeting the minimum
40 requirements as strictly interpreted.
41

1 B. The director of ~~public works~~ **neighborhood and environmental programs** may not waive
2 or modify, under the provisions of this section, any existing city or state requirements.

3
4 C. Any applicant aggrieved by refusal to grant a waiver or modification of any of the
5 requirements of this chapter by the director of ~~public works~~ **neighborhood and**
6 **environmental programs** may appeal the decision to the building board of appeals within
7 fifteen working days of the decision.

8
9 **Section 17.09.140 Enforcement--Violation--Penalties.**

10
11 A. Enforcement. **The administration and e**Enforcement of this chapter shall be the
12 responsibility of the department of ~~public works~~ **neighborhood and environmental programs**.

13
14 B. Violation. Violation of this chapter may be cause for the developer to be required to stop
15 work until a satisfactory resolution is established by the department of ~~public works~~
16 **neighborhood and environmental programs** in consultation with the planning and zoning
17 department and the developer.

18
19 C. Penalties. Any developer who violates this chapter is guilty of a municipal infraction and
20 is subject to a fine of one hundred dollars for any single, initial violation and a fine of one
21 hundred dollars for each repeat or continuing violation. The unapproved removal of a single
22 tree constitutes a single violation.

23
24 **D. Replacement Trees. In addition to any other penalty or requirement that may be**
25 **imposed under this section, if** If any trees shown to be preserved on the approved plan
26 subsequently are removed or are dead or dying because of acts of negligence by a
27 developer, they shall be replaced by the developer, or the developer shall be assessed a
28 fee in lieu **of replacement**. The size, species and quantity of replacement trees or fee in lieu
29 **of replacement** shall be specified by the department of ~~public works~~ **neighborhood and**
30 **environmental programs** based upon the value of the trees that were to have been saved
31 as determined by the formula in the latest revision of "A Guide to the Professional
32 Evaluation of Landscape Trees, Specimen Shrubs and Evergreens," prepared by the
33 International Society of Arboriculture. The quantity shall be dictated by the constraints of
34 the site. Replacement shall be within a time frame specified by the department of ~~public~~
35 ~~works~~ **neighborhood and environmental programs**.

36
37 ~~D~~E. Appeals. The building board of appeals shall consider appeals from the provisions of
38 this chapter from the determination of the director of ~~public works~~ **neighborhood and**
39 **environmental programs** in the manner specified in the building code. The board may make
40 determinations of alternative methods, standards or materials when, in its opinion, strict
41 compliance with this chapter is unnecessary. **The provisions of this subsection shall not**
42 **apply to any municipal citation issued pursuant to section.**

Section 17.10.010 Purpose, ~~application~~ and authority.

A. The purpose of stormwater management is to protect and promote the public health, safety and general welfare through the management of stormwater, to protect public and private property from damage, to reduce the effects of land use changes on stream channel erosion, to maintain and assist in the improvement of water quality, and to preserve and enhance the environmental quality of streams and stream valleys. It is the expressed intent of this chapter to require that stormwater management, as it addresses water quality, be provided for all developed land within the city. The provisions of this chapter are adopted pursuant to the Annotated Code of Maryland, Environment Article, Title 4, Subtitle 2, (~~or its successors~~) ~~Annotated Code of Maryland, 1996 replacement volume~~; and the Charter of the city of Annapolis and shall apply to all development occurring within the corporate limits of the city of Annapolis.

B. The application of this chapter and the requirements set forth herein shall be the minimum stormwater management requirements applicable in the city and shall not be deemed a limitation or repeal of any other powers granted by state statute.

C . The city of Annapolis, department of ~~public works~~ **neighborhood and environmental programs** shall be responsible for the ~~coordination~~ **administration** and enforcement of the provisions of this chapter.

Section 17.10.020 Department of ~~public works~~ **neighborhood and environmental programs--Duties.**

The department of ~~public works~~ **neighborhood and environmental programs** shall be responsible for the enforcement of the provisions of this chapter.

Section 17.10.030 Director of ~~public works~~ **neighborhood and environmental programs --Authority.**

In addition to such other authority as may be assigned to the director of ~~public works~~ **neighborhood and environmental programs**, pursuant to this chapter, all stormwater management plans required by this chapter are subject to the approval of the director. The director of ~~public works~~ **neighborhood and environmental programs** may include in the approval of such plans, any recommendation of the Anne Arundel Soil Conservation District that the director of ~~public work~~ **neighborhood and environmental programs** determines to be appropriate.

Section 17.10.060 Application.

1 A. Scope. No person shall develop any land for residential, commercial, industrial, or
2 institutional uses without having provided stormwater management measures that control
3 or manage runoff from such development, except as provided within this chapter. The
4 stormwater management measures shall be designed consistent with the design manual
5 and shall be constructed according to (i) for new development, the policies stated in Section
6 17.10.080(A) or, (ii) for redevelopment, the policies stated in Section 17.10.080(B).

7
8 B. Application--Required.

9
10 1. Preliminary approval may not be granted for any subdivision plat unless an applicant
11 includes preliminary stormwater management plans and designs as required by the director
12 of ~~public works~~ **neighborhood and environmental programs** for the proposed on-site
13 development and for related off-site stormwater controls according to the provisions of this
14 chapter.

15
16 2. Final approval may not be granted for a subdivision plat unless an applicant includes
17 stormwater management plans and designs for the proposed development in sufficient
18 detail as required by the director of ~~public works~~ **neighborhood and environmental**
19 **programs** according to the provisions of this chapter. Easements shall be platted and
20 recorded for all stormwater management facilities as required by the director of ~~public~~
21 ~~works~~ **neighborhood and environmental programs**. Stormwater management facilities shall
22 be publicly owned and maintained upon the request of the director of public works and in
23 accordance with the city's watershed management program.

24
25 3. An application for a building or grading permit shall include a stormwater water
26 management plan in accordance with the provisions of this chapter providing for
27 stormwater management of the applicant's proposed development or redevelopment. No
28 building or grading permit may be issued unless a stormwater management plan for the
29 development or redevelopment has been approved by the director of ~~public works~~
30 **neighborhood and environmental programs** according to the provisions of this chapter.
31 Construction of the development or redevelopment shall be in accordance with the
32 stormwater management plan approved by the director.

33
34 **Section 17.10.070 Exemptions.**

35
36 The following development activities are exempt from the provisions of this chapter and are
37 not required to provide stormwater management:

38
39 A. Agricultural land management activities;

40
41 B. An addition or modification to an existing single-family detached residential structure
42 provided the addition or modification complies with subsection C or D of this section;

1 C. Development on a non-waterfront lot that does not disturb more than five thousand
2 (5,000) square feet of land area or create three thousand square feet or more of impervious
3 surface;

4
5 D. Development on a waterfront lot that does not disturb more than two thousand (2,000)
6 square feet of land area and does not require a grading permit;

7
8 E. Any land development activity that the ~~administration~~ director of neighborhood and
9 environmental programs determines is regulated by specific state laws governing the
10 management of stormwater runoff.

11
12 **Section 17.10.080 Stormwater management criteria.**

13
14 A. Except in the case of redevelopment, every stormwater management plan shall satisfy
15 the following requirements:

16
17 1. Recharge volume, water quality volume and channel protection storage volume sizing
18 criteria shall be used to design best management practices according to the design manual.

19
20 2. Control of the ten (10)-year frequency storm event shall be required according to the
21 design manual if the director of ~~public works neighborhood and environmental programs~~
22 determines that historical flooding problems exist and impact existing downstream
23 floodplain development.

24
25 3. The director of ~~public works neighborhood and environmental programs~~ may require
26 more than the minimum control requirements specified in this section if hydrologic or
27 topographic conditions warrant or if flooding, stream channel erosion, or water quality
28 problems exist downstream from a proposed project.

29
30 B. In the case of redevelopment, every stormwater management plan shall satisfy the
31 following requirements.

32
33 1. The stormwater management plan shall be consistent with the design manual.

34
35 2. The stormwater management plan shall reduce existing site impervious areas by at least
36 twenty percent. Where site conditions prevent the reduction of impervious area by twenty
37 percent, the stormwater management plan shall provide qualitative control for at least
38 twenty percent of the site's existing impervious area (or proposed impervious area
39 whichever is greater). When a combination of impervious area reduction and stormwater
40 practice implementation is used, the combined area shall equal or exceed twenty percent
41 of the site's impervious area (existing or proposed whichever is greater).

42

3. Upon application by the owner or his or her agent, the director of ~~public works~~ **neighborhood and environmental programs** may waive the requirements of the preceding paragraph if hydrologic and hydraulic design conditions prevent impervious area reduction or on-site stormwater management. In granting such a waiver, the director shall direct the applicant to the following practical alternatives:

- a. Off-site BMP implementation for a drainage area at least 1.5 times the size and percent imperviousness to that of the project;
- b. Watershed or stream restoration;
- c. Retrofitting; and/ or
- d. Other practices to reduce impervious surfaces or the impact of stormwater runoff not inconsistent with the purposes of this chapter.

C. Stormwater Management Measures.

The structural and nonstructural stormwater management measures established in this section shall be used, either alone or in a combination, in developing a stormwater management plan.

1. Structural Stormwater Management Measures.

a. The following structural stormwater management practices shall be designed according to the design manual to satisfy the applicable minimum control requirements established in Section 17.10.080(A) of this section.

- i. Stormwater management ponds;
- ii. Stormwater management wetlands;
- iii. Stormwater management infiltration;
- iv. Stormwater management filtering systems; and
- v. Stormwater management open channel systems.

b. The performance criteria specified in the design manual with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping, and maintenance shall be considered when selecting structural stormwater management practices.

2. Nonstructural Stormwater Management Measures.

a. The following nonstructural stormwater management practices shall be applied according to the design manual to minimize increases in new development runoff:

- i. Natural area conservation;
- ii. Disconnection of rooftop runoff;
- iii. Disconnection of non-rooftop runoff;
- iv. Sheet flow to buffers;
- v. Grass channels; and
- vi. Environmentally sensitive development.

1 b. Nonstructural stormwater management practices shall be used to the maximum
2 extent possible to minimize the reliance on structural BMP' s.

3 c. The minimum control requirements listed in Section 17.10.080(A) may be
4 reduced, according to the design manual, when nonstructural stormwater management
5 practices are incorporated into site designs.

6 d. The use of nonstructural stormwater management practices may not conflict with
7 existing state or local laws, ordinances, regulations, or policies.

8 e. Nonstructural stormwater management practices used to reduce the minimum
9 control requirements shall be identified in the stormwater management maintenance
10 agreement and shall be maintained in a fashion consistent with their intent by all (current
11 and future) property owners and assigns. Prior approval from the department of public
12 works **neighborhood and environmental programs** shall be obtained before nonstructural
13 stormwater practices are altered.

14
15 3. Alternative structural and nonstructural stormwater management practices may be used
16 for new development water quality control if they meet the performance criteria established
17 in the design manual and approved by the administration. Practices used for
18 redevelopment projects shall be approved by the department of public works **neighborhood**
19 **and environmental programs**.

20
21 4. For the purposes of modifying the minimum control requirements or design criteria, the
22 owner/developer shall submit to the department of public works **neighborhood and**
23 **environmental programs** an analysis of the impacts of stormwater flows downstream in the
24 watershed. The analysis shall include hydrologic and hydraulic calculations necessary to
25 determine the impact of hydrograph timing modifications of the proposed development
26 upon any downstream area and any downstream appurtances, structure, obstructions and
27 hydraulically significant natural features. The points of investigation are to be established
28 with the concurrence of the department of public works **neighborhood and environmental**
29 **programs**.

30
31 5. Stormwater management and development plans where applicable, shall be consistent
32 with adopted and approved watershed management plans, flood management or floodplain
33 management plans as approved by the Maryland Department of the Environment in
34 accordance with the Flood Hazard Management Act of 1976 and any subsequent revisions.

35
36 **Section 17.10.090 Specific design criteria and analytical methods.**

37
38 A. Stormwater management design criteria, methodologies, and construction specifications
39 shall be subject to the approval of the department of public works **neighborhood and**
40 **environmental programs**, and shall satisfy the requirements of the of the design manual.

41

1 B. Wherever possible, the applicant shall incorporate and enhance existing natural
2 topography and land cover such as wetlands, ponds, natural swales, and depressions into
3 the proposed development design.

4
5 C. Stormwater management practices shall be designed for water quality enhancement
6 and to facilitate maintenance of the stormwater management facility.

7
8 D. All retention and detention basins shall contain forebays to facilitate the maintenance
9 of the basins. The forebays shall accommodate an approved percentage of the total
10 volume of the basin, based on accepted engineering practices.

11
12 **Section 17.10.100 Stormwater management plans.**

13
14 A. Review and Approval of Stormwater Management Plans.

15
16 1. Unless otherwise exempted, for any proposed development, the owner or his/her agent
17 shall submit to the department of ~~public works~~ **neighborhood and environmental programs**
18 for review and approval, a stormwater management plan or waiver application as part of
19 the grading permit application. The stormwater management plan shall contain supporting
20 computations, drawings, and sufficient information describing the manner, location, and
21 type of measures in which stormwater runoff from the entire development will be managed.
22 The department of ~~public works~~ **neighborhood and environmental programs** shall review
23 the plan to determine compliance with the requirements of this chapter prior to approval.
24 The plan shall serve as the basis for all subsequent construction.

25
26 2. Issuance of the grading permit shall constitute approval of the Stormwater Management
27 Plan for construction.

28
29 B. Contents of the Stormwater Management Plan.

30
31 1. A stormwater management plan that satisfies the design requirements of this chapter
32 shall be submitted in accordance with the format established by the department of ~~public~~
33 ~~works~~ **neighborhood and environmental programs**.

34
35 C. Preparation of the Stormwater Management Plan.

36
37 1. The stormwater management plan shall be prepared under the general supervision of
38 a professional engineer registered to practice in the state of Maryland. The professional
39 engineer and any other design professional involved in the preparation of any stormwater
40 management plan submitted to the ~~department of public works~~ **neighborhood and**
41 **environmental programs** Maryland Department of Environment, shall sign and seal the
42 plan.

1 2. If a stormwater management plan requires either a dam safety permit from the
2 administration **Maryland Department of Environment** or a small pond approval from the
3 Anne Arundel Soil Conservation District, then the dam and/or pond design shall be
4 prepared, signed and sealed by a professional engineer registered to practice in the state
5 of Maryland.

6
7 D. Design Requirements.

8
9 1. Stormwater management facilities shall be designed to minimize the need of
10 maintenance, to provide access for maintenance purposes and to be structurally sound.
11 Additionally, a stormwater management facility shall be designed in accordance with
12 standard construction specifications and details established and promulgated by the
13 department of ~~public works~~ **neighborhood and environmental programs**.

14
15 2. Prior to approval of a stormwater management design, the applicant shall submit a
16 proposed staged inspection and construction control schedule. The schedule shall provide
17 for regular inspections by a registered professional engineer to be conducted during
18 construction of stormwater management systems in accordance with accepted engineering
19 practices.

20
21 3. The permittee shall notify the department of ~~public works~~ **neighborhood and**
22 **environmental programs** before commencing any work to implement the stormwater
23 management plan and upon completion of the work.

24
25 4. No stage of work involving the installation of stormwater management facilities shall
26 proceed until the work previously completed is inspected and approved by the department
27 of ~~public works~~ **neighborhood and environmental programs**.

28
29 5. Any portion of the work that does not comply with the stormwater management plan
30 shall be corrected promptly by the permittee.

31
32 6. A final inspection shall be conducted by the department of ~~public works~~ **neighborhood**
33 **and environmental programs** upon completion of the stormwater management facility to
34 determine if the completed work is constructed in accordance with the approved
35 stormwater management plan. The final inspection by the department of ~~public works~~
36 **neighborhood and environmental programs** does not relieve the permittee of any of
37 requirement imposed on the permitted by this chapter.

38
39 E. Construction Compliance. Archiveable and reproducible as-built plans of the stormwater
40 management facility shall be forwarded to the department of ~~public works~~ **neighborhood**
41 **and environmental programs** upon completion of the stormwater management facility and
42 final inspection by the department of ~~public works~~ **neighborhood and environmental**

1 **programs**. The permittee's professional engineer shall certify that the stormwater
2 management facility has been constructed as shown on the as-built plans and that the
3 stormwater management facility meets the approved stormwater management plan's
4 design and specifications.

5
6 F. Electronic Documentation. The director of ~~public works~~ **neighborhood and environmental**
7 **programs** may require the permittee and his/her engineer to submit all of the documents
8 associated with the grading permit in an electronic format for archiving purposes. The
9 documents shall be submitted in the format required by the director of ~~public works~~
10 **neighborhood and environmental programs**.

11
12 G. Release of Security. The performance bond shall not be released until all aspects of the
13 stormwater management plan are completed, including, but not limited to:

- 14
15 1. The submission and acceptance of "as built drawings" in accordance with subsection
16 E of this section,
17
18 2. The completion of all forms required by the administration, and
19
20 3. The stormwater management facility has been in operation for a minimum of one year
21 without failure.

22
23 **Section 17.10.120 Waivers.**

24
25 A. Upon the written application of the property owner or his/her agent and subject to the
26 provisions of subsections B and C of this section, the director of ~~public works~~ **neighborhood**
27 **and environmental programs** may waive stormwater management requirement set forth in
28 this chapter provided the applicant demonstrates the waiver:

29
30 1. Does not present an unacceptable risk of flooding, water quality degradation or other
31 stormwater damage to the subject drainage area resulting from the land disturbing and
32 development activity, and

33
34 2. The waiver is in the best interest of the city based upon a consideration of the
35 effectiveness and safety of the proposed alternative to the requirement.

36
37 In reviewing a request for a waiver, the director of ~~public works~~ **neighborhood and**
38 **environmental programs** shall:

- 39
40 1. Consider each requested waiver on a case-by-case basis;
41
42 2. Consider the cumulative effects of the department of public work's waiver policy; and

1 3. Ensure that the development will not have an unreasonable adverse impact on stream
2 quality.

3
4 B. The director of ~~public-works~~ **neighborhood and environmental programs** may waive any
5 on-site stormwater quantity management requirement set forth in this chapter if, in addition
6 to the determinations set forth in subsection A of this section, the director determines that:

7
8 1. The applicant has submitted an acceptable alternative to on-site stormwater quantity
9 management, such as an off-site stormwater management facility, that fulfills the intent and
10 the provisions of this chapter; or

11
12 2. The site is immediately adjacent to tidewaters and water quantity management would
13 not serve the intent of this chapter; or

14
15 3. Circumstances exist that prevent the reasonable implementation of quantity control
16 practices.

17
18 C. The director of ~~public-works~~ **neighborhood and environmental programs** may waive any
19 on-site stormwater quantity management requirement set forth in this chapter if, in addition
20 to the determinations set forth in subsection A of this section, the director of ~~public-works~~
21 **neighborhood and environmental programs** determines that:

22
23 1. On site water quality management is infeasible and the applicant has submitted an
24 acceptable alternative to onsite stormwater quality, such as an off-site stormwater
25 management facility, that fulfills the intent and the provisions of this chapter; or

26
27 2. In the case of a redevelopment project, the requirements of Section 17.010.110(B) have
28 been satisfied.

29
30 D. If the director of ~~public-works~~ **neighborhood and environmental programs** determines
31 that a waiver is appropriate under this section but that the construction of the proposed
32 alternative to on-site stormwater quantity or quality management is not be in the city' s
33 interest, the director of ~~public-works~~ **neighborhood and environmental programs** may
34 require the applicant to make a monetary contribution to the stormwater utility or to an
35 identified city capital project intended to provide water quantity and/or quality improvements
36 to the drainage basin in which the proposed development site is located. The amount of the
37 contribution shall not exceed the cost of constructing an effective on-site stormwater
38 management facility, including the value of the land that would be required to construct the
39 stormwater management facility, as well as the cost of constructing, landscaping and
40 perpetually maintaining the facility. The cost of perpetually maintaining the stormwater
41 management facility is presumed to equal to the cost of constructing the stormwater
42 management facility.

Section 17.10.140 Modifications.

Upon written application of the property owner or his/her agent, the director of ~~public works~~ **neighborhood and environmental programs** may grant a written modification to any requirement of Section 17.10.080 if there are exceptional circumstances applicable to the site such that strict adherence to the requirement would result in unnecessary hardship and would not fulfill the intent of the chapter. The application shall state the specific modifications sought and the reasons for the desired modifications. The director of ~~public works~~ **neighborhood and environmental programs** shall not grant a modification to any requirement of Section 17.10.080 except for good cause, consistent with the provisions for exceptions provided in this chapter, shown by the applicant requesting the modification. (Ord. O-10-02 § 1

Section 17.10.150 Permits.

A. Permit Requirement.

1. A grading permit shall not be issued for any parcel or lot unless a stormwater management plan, meeting all of the requirements of this chapter, has been approved or waived by the department of ~~public works~~ **neighborhood and environmental programs**. Where appropriate, a grading permit shall not be issued without:
 - a. Approval of the Anne Arundel Soil Conservation District;
 - b. A recorded private stormwater management facility inspection and maintenance agreement pursuant to Section 17.10.190;
 - c. A performance bond; and
 - d. Proof of property interests as required under Section 17.10.110.

B. Permit Suspension and Revocation.

1. Grading permit issued by the department of ~~public works~~ **neighborhood and environmental programs** may be suspended or revoked by giving written notice thereof to the permittee, if the director of ~~public works~~ **neighborhood and environmental programs** finds any of the following:
 - a. Violation of any condition of the stormwater management plan approval.
 - b. Change in any site runoff characteristics upon which an approval or waiver was granted.
 - c. Construction of a stormwater management facility not in accordance with the approved plan.
 - d. Noncompliance with a correction notice or a stop work order related to the construction of the stormwater management facility.
 - e. An immediate danger to a downstream area.

2. The grounds for suspension or revocation set forth in the preceding subsection are in addition to, and are not intended to supercede, other grounds for the issuance of a stop work order or the suspension or revocation of a grading permit.

C. Permit Conditions.

In granting a stormwater management plan approval, the director of ~~public-works~~ **neighborhood and environmental programs** may impose such terms and conditions that the director may deem necessary to ensure compliance with the provisions of this chapter and the preservation of the public health and safety.

Section 17.10.180 Stormwater utility fund.

A. A stormwater utility fund may be established and the moneys therein be used by the city for land acquisition (including easements and rights-of-way), and the study, engineering, design, purchase, construction, expansion, repair, maintenance, landscaping and inspection of public stormwater management systems.

B. The stormwater utility fund fee schedule applicable to the fund shall be established by resolution of the city council.

C. In the case of an application for a waiver to on-site water quantity and/or water quality management under this chapter, the director of ~~public-works~~ **neighborhood and environmental programs** may in his/her discretion accept the conveyance of an interest in land, the construction of a stormwater management facility, the scheduled fee or any equivalent combination thereof as the stormwater utility fee.

D. The director of ~~public-works~~ **neighborhood and environmental programs** shall not accept a conveyance of land or the construction of a stormwater management facility pursuant to the preceding subsection that does not cover adequately the cost to the city of managing the stormwater generated from the subject property or if such acceptance is otherwise not in the interest of the city.

Section 17.10.190 Private stormwater management facility inspection and maintenance agreement.

A. Prior to the issuance of any building or grading permit which has a private stormwater management facility as one of the requirements of the permit, the applicant shall execute and deliver to the department of ~~public-works~~ **neighborhood and environmental programs**, a stormwater management facility inspection and maintenance agreement binding on the applicant (its successors and assigns) and on all owners (their successors and assigns) of land served by the stormwater management facility.

1 B. The agreement required by the preceding subsection shall:

- 2
- 3 1. Authorize access to the stormwater management facility at reasonable times, for
- 4 periodic inspection by the city (or its contractor or agent),
- 5
- 6 2. Require the property owner and/beneficial users periodically inspect and maintain the
- 7 stormwater management facility in a proper working condition satisfying the requirements
- 8 of this chapter,
- 9
- 10 3. Include such other items and conditions as the director of ~~public works~~ **neighborhood**
- 11 **and environmental programs** may require **and any recommendations of the director of**
- 12 **public works**.
- 13

14 C. The agreement required by this section shall also provide that if, after notice by the

15 director of ~~public works~~ **neighborhood and environmental programs** to correct a violation

16 of this chapter, satisfactory corrective measures have not been completed by the owner

17 and or beneficial users within the time specified in the notice, the director of ~~public works~~

18 **neighborhood and environmental programs** may cause to be performed all necessary work

19 to correct the violation and may assess the owner, and/or beneficial users, the cost of the

20 work. The agreement shall further provide that the cost of the work shall constitute a lien

21 on the property and may be placed on the tax bill for the property and collected in the same

22 manner as property taxes. The agreement shall also provide that the owner and/or

23 beneficial users shall be liable for interest, calculated at the maximum legal rate, on the

24 unpaid balance of any such charges until paid, as well as reasonable attorney fees incurred

25 by the city in collecting such balance.

26

27 D. The agreement required by this section shall be recorded among the land records of

28 Anne Arundel County. The cost of such recordation shall be paid by the applicant or the

29 owner.

30

31 **Section 17.10.210 Inspection program.**

32

33 A. All privately owned stormwater management facilities shall be inspected during

34 construction, during the first year of operation, and annually thereafter **by the department**

35 **of neighborhood and environmental programs**.

36

37 B. All privately owned stormwater management facilities shall be inspected and maintained

38 in accordance with the stormwater management facility inspection and maintenance

39 agreement. Not later than August first of each year, the owner and/or beneficial users shall

40 provide the department of ~~public works~~ **neighborhood and environmental programs** with an

41 inspection and maintenance report, in such format as may be specified by the director of

42 ~~public works~~ **neighborhood and environmental programs**.

1 C. The department of ~~public works~~ **neighborhood and environmental programs** shall
2 maintain copies of inspection and maintenance reports for privately owned stormwater
3 management facilities among their departmental records for a period of seven years from
4 the date of the inspection.

5
6 **Section 17.10.220 Emergency authority.**
7

8 If the director of ~~public works~~ **neighborhood and environmental programs** determines that
9 the condition of any stormwater management facility, storm drainage system or drainage
10 way presents an immediate danger to the public health or safety, the director of ~~public~~
11 ~~works~~ **neighborhood and environmental programs** may take any action to protect the public.
12 Costs incurred by the city as a result such action shall be assessed against the owners and
13 beneficial uses of the stormwater management facility, who shall be jointly and severally
14 liable for such costs. The property served by the stormwater management facility shall be
15 subject to a lien for the costs that may be placed on the tax bill for such property and
16 collected in the same manner as property taxes.
17

18 **Section 17.11.010 Findings.**
19

20 A. Certain areas of the city are subject to periodic inundation which may result in loss of
21 life and property, health and safety, disruption of commerce and governmental services and
22 extraordinary public expenditures for flood protection and relief.
23

24 B. Flood losses and associated losses are created by structures inappropriately located,
25 inadequately elevated or otherwise unprotected and vulnerable to floods or erosion or by
26 development which increases flood or erosion damage to other lands or development.
27

28 C. The biological values of floodplains, particularly tidal and nontidal wetlands, can be
29 affected adversely by floodplain development.
30

31 D. ~~The city council~~ City of Annapolis has the responsibility under the ~~Flood Control and~~
32 ~~Watershed Management Act, Section 8-9A01, et seq., Natural Resources Article of the~~
33 **Flood Hazard Management Act of 1976, Annotated Code of Maryland, Environment Article**
34 **Title 5, Subtitle 8 (or its successors)**, to control floodplain development to protect persons
35 and property from danger and destruction and to preserve the biological values and the
36 environmental quality of the watersheds or portions of watersheds under its jurisdiction.
37

38 **Section 17.11.220 Manufactured homes, buildings and ~~recreational vehicles~~ **motor****
39 **homes.**
40

41 New or relocated manufactured homes or buildings as defined in this title ~~or recreational~~
42 ~~vehicles~~ **and motor homes** as defined in the ~~transportation article of the Annotated Code~~

1 of Maryland Annotated Code of Maryland, Transportation Article, Title 11, Subtitle 1, (or its
2 successors) are prohibited within the floodplain.

3
4 **Section 17.11.460 Appeals.**

5
6 ~~A permit applicant aggrieved by a decision of the director with regard to a variance may~~
7 ~~appeal the decision to the building board of appeals as specified in Section 17.11.080.~~

8
9 A. A person aggrieved by an order from the director or the director's designee made
10 pursuant to this chapter, other than the issuance of a municipal citation or the charging of
11 a misdemeanor, may appeal to the building board of appeals within fifteen calendar days
12 of the date of the order. The petition for appeal shall be in writing stating the grounds for
13 appeal and shall be filed with the department of neighborhood and environmental programs
14 along with a nonrefundable fee in an amount established by the city council. Any right to
15 appeal shall be waived if not timely filed.

16
17 B. The building board of appeals shall consider the appeal based upon the information
18 provided to the department of neighborhood and environmental programs at the time of the
19 order from which the appeal is taking. If the board finds that the order was in error or
20 contrary to the provisions of this code or other applicable law, the board may reverse or
21 modify the order. The decision of the board on all appeals shall be in writing and shall
22 contain the factual findings of the board and the reasons for the decision.

23
24 C. A person aggrieved by a decision of the building board of appeals made pursuant to
25 this section may appeal that decision to the circuit court for Anne Arundel County pursuant
26 to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a
27 person shall not be considered aggrieved by a decision of the board unless at the person
28 has appeared as a party at the hearing before the board. An appeal under this section shall
29 be taken within thirty days of the date of the decision appealed and shall be the exclusive
30 remedy of the aggrieved party from that decision.

31
32 **Section 17.12.024 Use and occupancy permit--Required.**

33
34 A. In accordance with the building code, a use and occupancy permit is required for all new
35 construction and for structures undergoing alterations. A use and occupancy permit is also
36 required if there is a change of use or occupancy even if there is no construction or
37 alteration.

38
39 B. The inspection fees for the use and occupancy permit shall be paid at the time of the
40 building permit application. The fees are nonrefundable and not transferable. The fee
41 schedule shall be established by resolution of the city council.
42

1 C. The use and occupancy permit shall be issued only after the department of **public**
2 **works, neighborhood and environmental programs**, the department of planning and zoning,
3 the fire department and the health department, where applicable, have inspected the site
4 and verified that the structures and the site meet city standards and specifications, and are
5 in accordance with the approved building permit application and the use requirements
6 under Chapter 21.78.

7
8 D. The director or his or her designee may suspend or revoke any use and occupancy
9 permit for any violations of the city code, for unsafe conditions, violations of the issued
10 permits, failure to obtain final inspections and approvals and for misrepresentation of facts.

11
12 E. In addition to other remedies provided to the city by law, a person who violates this
13 section shall be guilty of a municipal infraction and is subject to a fine of two hundred
14 dollars for any single, initial violation and a fine of two hundred dollars for each repeat or
15 continuing violation. All fines must be paid in full prior to any further inspections being made
16 and prior to any permit issuance.

17
18 **Section 17.12.042 Dangerous structural condition.**

19
20 A building, structure, or chimney, or part of a building, structure, or chimney, in a
21 dilapidated or unsafe condition and which, in the opinion of the director of ~~public works~~
22 **neighborhood and environmental programs** or his or her designee, may possibly cause
23 injury to persons or property, is a nuisance and shall be razed or abated by the owner
24 within seventy-two hours after notice to do so has been given to the owner by the director.
25 The owner is required to apply for a building permit as per Section 17.12.056(C). If the
26 owner, within seventy-two hours after receipt of the notice, has not razed the building,
27 structure or chimney, or otherwise abated the nuisance, the owner is guilty of a municipal
28 infraction and is subject to a fine of five hundred dollars for each repeat or continuing
29 violation, and the nuisance shall be abated by the director or his or her designee at the
30 expense of the owner. The director or his or her designee may in the interest of safety
31 disconnect water, gas, and electric service to the building or structure.

32
33 **Section 17.12.050 Building permit--Application.**

34
35 A. Both the owner of the property and the contractor engaged to do the work equally are
36 responsible for obtaining the required building permit.

37
38 B. No building permit shall be issued prior to the issuance of a grading permit, where
39 applicable under Chapter 17.08.

40
41 C. Before any permit required by Section 17.12.022 shall be issued, the applicant shall file
42 with the department of ~~public works~~ **neighborhood and environmental programs** verification

1 from the city finance director that the applicant has paid all applicable Anne Arundel County
2 School impact fees, or proof that the project is not subject to the county's school impact
3 fees.
4

5 **Section 17.12.053 Building contractor license-- Required--Suspension--Violation.**
6

7 A. No person shall perform work as a building contractor, general contractor, or home
8 improvement contractor in the city of Annapolis without first applying for and receiving a
9 license from the state of Maryland and/or the Maryland Home Improvement Commission.
10

11 B. No person shall do work as a building contractor, general contractor, demolition
12 contractor, or home improvement contractor in the city of Annapolis without first applying
13 for and receiving a license from the director of ~~public works~~ **neighborhood and**
14 **environmental programs** or his or her designee upon payment of a fee as established by
15 resolution of the city council. Specific types of licenses shall be as per the requirements as
16 established by the director of ~~public works~~ **neighborhood and environmental programs** or
17 his or her designee. Issued licenses are not transferrable for any reason. All fees are
18 nonrefundable.
19

20 C. Suspension, Revocation of Permit Licenses and Withholding Permit Applications. The
21 director or his or her designee may withhold permit applications or may suspend or revoke
22 any issued city permits or licenses for any irregularities in installation, for unsafe or
23 unworkmanlike installation, misrepresentation of facts, failure to obtain permits, failure to
24 obtain required inspections, ignoring or defacing stop work orders, illegal occupancy, failure
25 to maintain a valid Maryland State license or for any violations of the building code and this
26 chapter. No person shall use the name or license of another contractor directly or indirectly
27 to obtain a permit, send in notices, make returns or to do any work under another person's
28 license.
29

30 D. Violation--Penalty. A person who violates this section is guilty of a municipal infraction
31 and is subject to a fine of one hundred dollars for any single, initial violation and a fine of
32 two hundred dollars for each repeat or continuing violation.
33

34 **Section 17.12.055 Display of address.**
35

36 A. The owners of any improved property shall post on or about the property numbers or
37 letters designating the address assigned to the property.
38

39 B. The number or letters shall be at least three inches high, displayed on a contrasting
40 background, and posted in order to be unobstructed and clearly legible from the street
41 named in the address of the property.
42

1 C. In addition to the requirements of subsection B of this section:

2
3 1. For a multifamily structure (six units or more):

4 a. The address shall be affixed to the structure in numbers or letters at least six
5 inches high and shall be clearly legible for entrances to parking areas; and

6 b. The designation of each dwelling unit shall be affixed to the exterior door of the
7 unit with numbers or letters at least three inches high; and
8

9 2. For commercial property, the address shall be displayed in numbers or letters at least
10 six inches high.
11

12 D. An authorized representative of the departments of police, fire, ~~public works~~
13 **neighborhood and environmental programs**, or planning and zoning may cite an owner for
14 violation of the provisions of this section.
15

16 E. Owners of existing improved property shall have thirty days from the notification date
17 to comply with the requirements of this section.
18

19 F. Violators of the provisions of this section are guilty of a municipal infraction and subject
20 to a fine of fifty dollars for any single initial violation and a fine of one hundred dollars for
21 each continuing violation.
22

23 G. When any error or irregularity exists in the numbering of a house or other building, or
24 when a structure is without a number in any street, lane, court or alley, the director or his
25 or her designee shall notify the owner of the house or other building of the error or
26 irregularity in or absence of a number, and also shall provide the owner with the correct
27 number of the house or building.
28

29 H. No builder, owner, occupant or other person shall place a number on any new building,
30 or alter the number of any existing building, until the director or his or her designee has
31 designated the correct number of the house or building.
32

33 **Section 17.12.056 Building permit--Fees--Reinspection.**
34

35 A. The fee for a building permit shall be based on the estimated value of the work in
36 accordance with the schedule set out in subsection B of this section. Computation of the
37 estimated value must include the fair market value of all construction of work for which the
38 permit is issued, including all painting, siding, windows, roofing, electrical work, plumbing,
39 heating or air conditioning equipment, elevator equipment, fire sprinkler equipment, kitchen
40 equipment, and any other permanent positions or permanent equipment essential to the
41 operation of the building. Equipment required for manufacturing of other special occupancy,
42 land value and development costs are excluded from the computation of fair market value.

1 The minimum acceptable valuation for new buildings shall be based on the building
2 evaluation data report as provided by the ~~Bureau of Inspections and Permits in the~~
3 department of **neighborhood and environmental programs** and revised from time to time.
4

5 B. Nonrefundable application fees and building permit fees shall be established by
6 resolution of the city council.
7

8 1. The application fee will not be refundable for any reason except if the permit application
9 has been denied. The application fee will be applied to the final cost of the building permit
10 at the time of issuance per the procedures as established by the department of **public**
11 **works neighborhood and environmental programs**.
12

13 C. A fee as established by resolution of the city council for residential properties and
14 commercial properties shall be charged for:

- 15 1. Moving a building, regardless of the value or size of the building;
- 16 2. Demolishing a building, regardless of the value or size of the building;
- 17 3. Moving, hauling or transporting an oversize load.
18

19 D. A person who moves or demolishes a building or transports an oversize load without
20 a permit is guilty of a municipal infraction and is subject to a fine of one hundred dollars for
21 any single, initial violation and a fine of two hundred dollars for each repeat or continuing
22 violation.
23

24 E. A monetary guarantee for the work will be executed by the applicant to ensure that upon
25 demolition or moving of a building, all associated utilities have been inactivated and capped
26 in a proper and safe manner.
27

28 F. Reinspection Fee. A fee as established by resolution of the city council must be paid
29 before another inspection is made if, for the original inspection, one or more of the following
30 occurred:

- 31 1. Requesting party called for inspection, but work was not ready;
- 32 2. Requesting party was not on site;
- 33 3. Building was locked;
- 34 4. Safety features not on site;
- 35 5. Approved drawings not on site.
36

37 **Section 17.12.058 Approval--Commencing work--Expiration.** 38

39 A. Upon approval of a building permit, the applicant shall be provided verbal or written
40 notification to the address specified on the application that the permit has been approved
41 and is available for issuance.
42

1 B. A building permit is void unless issued within thirty days from the date of notification to
2 the applicant pursuant to subsection A of this section.

3
4 C. A building permit is void unless construction for which the permit has been issued is
5 commenced within a period of ninety days after issuance or if the authorized work is
6 suspended or abandoned for a period of six months after the time of commencing the work.

7
8 D. A building permit shall be valid for two years from the date of issuance unless a shorter
9 time period is designated by the director or his or her designee.

10
11 E. Demolition, tent, and special permits shall be valid for the time period as established by
12 the director or his or her designee.

13
14 F. The issued permit card must be posted within twenty-four hours of the issuance and
15 made visible from the fronting roadway or street. The permit card shall be posted
16 regardless of construction start date and remain for the duration of the project.
17 Owner/contractor is responsible for protecting the card from damage.

18
19 G. The building official may require the owner to provide a monetary guarantee in the form
20 of a certified check, letter of credit, or performance bond for specific permits to guarantee
21 completion of the work under agreement with the city.

22
23 H. The director may renew a building permit for an additional six month period if the
24 applicant:

- 25
26 1. Makes written request for the renewal prior to the expiration date of the permit; and
27
28 2. Provides written justification, satisfactory to the director, that work could not be
29 completed prior to the expiration date of the permit because of circumstances beyond the
30 control of the applicant.

31
32 I. A building permit may not be renewed more than twice for a total of one year, unless
33 approved otherwise by the director of ~~public works~~ **neighborhood and environmental**
34 **programs**.

35 J. If the building permit is to be renewed more than twice, all permit paperwork and
36 applicable surety, shall be updated to the department of ~~public work~~'s requirements and all
37 permit fees shall be repaid in full prior to renewal.

38
39 K. Work Hours. No construction work or machinery shall start prior to seven a.m. and shall
40 finish up no later than dusk and there shall be no outside Sunday work unless specifically
41 approved otherwise.
42

1 L. A person who violates this section is guilty of a municipal infraction and is subject to a
2 fine of one hundred dollars for any single, initial violation and a fine of two hundred dollars
3 for each repeat or continuing violation.
4

5 **Section 17.12.060 Enforcement.**
6

7 The enforcement of the building code is the duty of the director of ~~public works~~
8 **neighborhood and environmental programs** or his or her designee.
9

10 **Section 17.12.062 Unapproved construction.**
11

12 A. A person who commences any building, structure, or any construction without prior
13 receipt of a required building permit is guilty of a municipal infraction and is subject to a fine
14 of two hundred dollars for any single, initial violation and a fine of two hundred dollars for
15 each repeat or continuing violation.
16

17 B. Structures erected or alterations completed without a permit as required by this chapter
18 shall be removed by the person erecting the structures or completed alterations when
19 ordered to do so by the enforcing officer.
20

21 C. Whenever in the judgment of the director of ~~public works~~ **neighborhood and**
22 **environmental programs**, an emergency exists which requires immediate action to protect
23 the public safety or welfare, an order may be issued without notice, conference or hearing,
24 directing the owner, occupant, operator, agent or licensee to take whatever action is
25 appropriate to correct or abate the emergency. If circumstances warrant, the director or his
26 or her designee may act to correct or abate the emergency.
27

28 D. All costs incurred for the emergency action or abatement shall be recovered from the
29 owner in the form of a lien on the property and collectible in the same manner as delinquent
30 taxes.
31

32 **Section 17.12.080 Sections 103.1, 103.2, 103.3 replaced.**
33

34 Sections 103.0, 103.1, 103.2, 103.3 of the International Building Code adopted in Section
35 17.12.010 are deleted and the following is substituted:
36

37 *Section 103.0 Administration.*
38

39 *103.1 General.* The department of ~~public works~~ **neighborhood and environmental programs**
40 is responsible for the administration and enforcement of this code. The director of the
41 department, or the director's designee, shall be the building official referred to in this code.
42

Section 17.12.189 International Building Code amended.

1202 Ventilation New. Section 1202.4.2.2 Bathroom and Toilet Room Ventilation. Every bathroom and toilet room shall be exhaust vented mechanically to outside air. Existing bathrooms and toilet rooms that are altered or are part of other building alterations shall also be exhaust vented mechanically to outside air unless approved otherwise by the director of ~~public works~~ **neighborhood and environmental programs** or his or her designee.

Section 17.16.030 Electrical permit--Required.

A. Except as provided otherwise in this chapter, no person shall make any installation of electrical equipment or perform any electrical work which is subject to this chapter without first obtaining a permit from the department of ~~public works~~ **neighborhood and environmental programs**. No permit shall be required to repair portable electrical equipment or lighting fixtures, or to repair or replace sockets, receptacles or snap switches, or to make other minor repairs at existing outlets, or to repair motors, or to replace motors with motors of the same horsepower rating.

B. All applications for permits shall be submitted in writing on forms prescribed by the director of ~~public works~~ **neighborhood and environmental programs** or his or her designee and shall be signed by a currently licensed master electrician or when applicable a registered electrician.

C. An electrical permit is void unless work for which the permit has been issued is commenced within a period of ninety days after issuance or if the authorized works is suspended or abandoned for a period of six months after the time of commencing the work. The maximum duration of an electrical permit is two years from the issue date, except if related to a building permit the electrical permit shall expire on expiration of the building permit unless specified otherwise.

D. The director or his or her designee may renew an electrical permit for an additional one hundred twenty day period if the applicant:

1. Makes written request for the renewal prior to the expiration of the first one hundred twenty day period; and
2. Provides written justification, satisfactory to the director or his or her designee, that work could not be commenced within the initial one hundred twenty day period because of circumstances beyond the control of the applicant.

E. Suspension, Revocation of Permit and Withholding Applications. The director or his or her designee may withhold permit application, future inspections or may suspend or revoke

any electrical permits for any irregularities in installation, for unsafe or unworkmanlike installation, for failure to obtain required inspections or for any violations of the electrical code and this chapter.

F. Issued permits are not transferable for any reason.

Section 17.16.106 New Section 384-28.

Section 384 of the National Electrical Code as adopted in Section 17.16.010 with new Section 384-28. Switchboards of one thousand amperes or larger.

A. Switchboards having a capacity of one thousand amperes or larger shall receive periodic cleaning and preventative maintenance minimum every three years to minimize the possibility of fire or catastrophic failure. Cleaning and maintenance schedule includes coordination of shut down with the utility company and shall include the following requirements:

1. Vacuum entire interior of switchboard or gear;
2. Clean bussbars and contacts with suitable nonconductive solvent;
3. Lubricate all moving mechanisms;
4. Check conductors for abrasions;
5. Torque bussbars and conductors connections to manufacturer recommended specifications;
6. Replace work, damaged or deteriorating components;
7. Submit report of preventive maintenance performed to electrical inspector within thirty days.

B. Prior to the issuance of a preventative maintenance electrical permit the licensed electrician shall receive a preventative maintenance summary of requirements on forms established by the department of ~~public works~~ **neighborhood and environmental programs** which shall be completed and returned for approval.

C. Fees. A fee as established by resolution of the city council shall apply to a preventative maintenance electrical permit.

D. Violation--Penalty. A person who violates this section is subject to penalties established under Section 17.16.110.

Section 17.16.120 Emergency correction or abatement.

A. Whenever in the judgment of the director of ~~public works~~ **neighborhood and environmental programs** or his or her designee, an emergency exists which requires immediate action to protect the public safety or welfare, an order may be issued without

1 notice, conference or hearing, directing the owner, occupant, operator, agent or licensee
2 to take whatever action is appropriate to correct or abate the emergency.

3
4 B. All costs incurred for the emergency action or abatement shall be recovered from the
5 owner in the form of a lien on the property and collectible in the same manner as delinquent
6 taxes.

7
8 **Section 17.16.130 Electrical license--Required.**
9

10 A. No person shall do work as a master general, master limited or restricted electrician
11 without first applying for and receiving a license from the State of Maryland or other
12 approved Maryland jurisdictions. Licenses submitted from other jurisdictions will be subject
13 to review and approval by the code official.

14
15 B. No person shall do work in the city without first applying for and obtaining an electrical
16 contractors license from the director of ~~public-works~~ **neighborhood and environmental**
17 **programs** or his or her designee. The license fee shall be established by resolution of the
18 city council. Applicant shall be a member, in good standing, with the state and local board
19 of electrical examiners.

20
21 C. Electrical License--Use by Others. No person in the electrical business shall allow that
22 person's name to be used by any other person, directly or indirectly, to obtain a permit,
23 send in notices, make returns or to do any work under that person's license.

24
25 D. Insurance--Required. No person shall do work as a master or restricted electrician
26 without first submitting evidence that their insurance or surety required by Maryland state
27 law is current and on file with the department of ~~public-works~~ **neighborhood and**
28 **environmental programs**.

29
30 E. Issued licenses are not transferable for any reason.

31
32 F. The director or his or her designee may suspend or revoke a license issued for any
33 irregularities or for unsafe or unworkmanlike installation, license violations,
34 misrepresentation of facts or for any violations of the electrical code and this chapter.

35
36 **Section 17.16.140 Enforcement.**
37

38 The enforcement of the electrical code is the duty of the director of ~~public-works~~
39 **neighborhood and environmental programs** or his or her designee.

40
41 **Section 17.18.040 Mechanical contractor's license--Bond.**
42

1 Insurance or surety as required by state law shall be filed with the department of public
2 works **neighborhood and environmental programs** by each mechanical contractor before
3 issuance of the license.

4
5 **Section 17.18.060 Mechanical permit--Required.**
6

7 A. Except as otherwise provided in this chapter, no person shall make any installation or
8 alteration or replacement of mechanical systems, including heating systems, ventilating
9 systems, cooling systems, steam and hot water heating systems, water heaters, process
10 piping, boilers and pressure vessels, appliances utilizing gas, liquid or solid fuel, chimney
11 flues and vents, ductwork, plenums, mechanical refrigeration systems, fireplaces,
12 barbecues, incinerators, crematories and air pollution systems, or perform any work which
13 is subject to this chapter without first obtaining a mechanical permit from the director of
14 public works **neighborhood and environmental programs**.

15
16 B. All applications for permits shall be submitted in writing on forms prescribed by the
17 director of public works **neighborhood and environmental programs** or his or her designee
18 and shall be signed by a currently licensed mechanical contractor.

19
20 C. A mechanical permit is void unless work for which the permit has been issued is
21 commenced within a period of ninety days after issuance or if the authorized work is
22 suspended or abandoned for a period of six months after the time of commencing the work.
23 The maximum duration of a mechanical permit is two years from the issue date, except if
24 related to a building permit the mechanical permit shall expire on expiration of the building
25 permit unless a shorter time period is designated by the director or his or her designee.

26
27 D. The director **of neighborhood and environmental programs** or his or her designee may
28 renew a mechanical permit for an additional one hundred twenty day period if the applicant:

29 1. Makes written request for the renewal prior to the expiration of the first one
30 hundred twenty day period; and

31 2. Provides written justification, satisfactory to the director, that work could not be
32 commenced within the initial one hundred twenty day period because of circumstances
33 beyond the control of the applicant.

34
35 E. Suspension, revocation of permit and withholding applications. The director or his or her
36 designee may withhold permit applications or may suspend or revoke any mechanical
37 permits for any irregularities in installation or for unsafe or unworkmanlike installation or for
38 failure to obtain required inspections or for misrepresentation of facts or for any violations
39 of the mechanical code and this chapter.

40
41 F. Issued permits are not transferable for any reason.
42

Section 17.18.070 Permit--Fees--Schedule.

A. A person installing or erecting an item or engaging in any activity for which a permit is required under this chapter shall apply for and receive the permit before initiation of the work. The director of ~~public works~~ **neighborhood and environmental programs** or his or her designee shall receive a written application for each permit and a nonrefundable application fee. The building official may require an affidavit or supporting documents specifying the value of the work. When approved, the permit fee shall be established by resolution of the city council. Permit fees are not refundable for any reason except if the permit application has been denied.

B. The following permit fees shall apply to all other work and conditions in addition to subsection (a) 17.18.070A:

1. Reinspection Fee. A fee as established by resolution of the city council must be paid before another inspection is made if, for the original inspection, one or more of the following occurred:

- a. Requesting party called for inspection, but work was not ready;
- b. Requesting party was not on site;
- c. Building was locked;
- d. Safety features were not on site;
- e. Approved drawings were not on site.
- f. Permit card were not posted and visible from fronting street.

~~2. Failure to Notify the Department of public works.~~ There shall be a fee as established by resolution of the city council charged whenever the licensee fails to notify the department **of neighborhood and environmental programs** within the prescribed time that the work authorized by a validly issued mechanical permit is complete.

3. Investigation Fee. Whenever any work for which a permit is required under this code has been commenced without authorization of such permit, a special investigation shall be made before a permit may be issued for such work. In addition to the regular permit fee or any penalty fees, an investigations fee as established by resolution of the city council shall be collected.

Section 17.18.140 Emergency correction or abatement.

A. Whenever in the judgment of the director of ~~public works~~ **neighborhood and environmental programs** or his or her designee, an emergency exists which requires immediate action to protect the public safety or welfare, an order may be issued without notice, conference or hearing, directing the owner, occupant, operator, agent or licensee to taking whatever action is appropriate to correct or abate the emergency. If circumstances warrant, the director or his or her designee may act to correct or abate the emergency.

1 B. All costs incurred for the emergency action or abatement shall be recovered from the
2 owner in the form of a lien on the property and collectible in the same manner as delinquent
3 taxes.
4

5 **Section 17.18.150 Enforcement.**
6

7 The enforcement of the mechanical code is the duty of the director of ~~public works~~
8 **neighborhood and environmental programs** or his or her designee.
9

10 **Section 17.22.010 Definitions.**
11

12 As used in this chapter:
13

14 A. "Control" means the possession of the power to direct or cause the direction of the
15 actions of a person.
16

17 B. "~~Department of public works~~" means the department of ~~public works~~ **neighborhood and**
18 **environmental programs** of the city of Annapolis.
19

20 C. "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying,
21 dumping, addition of, introduction of any pollutant into waters of the state, or the placing of
22 any pollutant in a location where it is likely to pollute.
23

24 D. "Monitoring wells" means any well installed in proximity to a storage system so that a
25 discharge may be detected.
26

27 E. "NFPA" means the National Fire Protection Association, Inc.
28

29 F. "Oil, petroleum products, and their by-products" means oil of any kind and in any liquid
30 form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other
31 waste, crude oils, and every other nonedible liquid hydrocarbon regardless of specific
32 gravity. "Oil" includes aviation fuel, gasoline, kerosene, light and heavy fuel oils, diesel
33 motor fuels, asphalt, and crude oils, but does not include liquefied petroleum gases, such
34 as liquefied propane, or any edible oils.
35

36 G. "Oil storage facility" means any facility, above or below ground, in which oil is stored
37 other than a private residence which stores oil for personal use.
38

39 H. "Operator" means any person owning or operating an oil terminal facility whether by
40 lease, contract, or by any other form of agreement.
41

1 I. "Owner" means the person, corporation or entity that owns and maintains the storage
2 system.

3
4 J. "Person" includes the federal government, the state, any county, municipal corporation,
5 or other political subdivision of the state, or any of their units, or an individual, receiver,
6 trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any
7 partnership, firm, association, public or private corporation, or any other entity.

8
9 K. "Person in charge" means the owner or person designated by the owner, an operator,
10 or permittee as the one with direct supervisory responsibility for an activity or operation at
11 a storage system, such as the transfer of oil to or from any points within the storage
12 system.

13
14 L. "Pollution" means every contamination or other alteration of the physical, chemical, or
15 biological properties, of any waters of the state, including change in temperature, taste,
16 color turbidity, or odor of the waters, or the discharge or deposit of any organic matters,
17 harmful organism, liquid, gaseous, solid, radioactive, or other substance into any waters
18 of the state as will render the waters harmful, detrimental, or injurious to public health,
19 safety, or welfare, domestic, commercial, industrial, agricultural, recreation, other legitimate
20 beneficial uses, or livestock, wild animals, birds, fish or other aquatic life.

21
22 M. "Precision test" means a test on the storage system that must be conducted in
23 accordance with the standards set forth by Maryland Department of the Environment
24 COMAR 16.10.

25
26 N. "Spill (spilling)" means any release of oil.

27
28 O. "State" means the state of Maryland.

29
30 P. "Storage system" means a storage tank and all associated piping including fill, vents,
31 dispensing, and return lines.

32
33 Q. "Waters of the state" includes both surface and underground waters within the
34 boundaries of the state subject to its jurisdiction, including that portion of the Atlantic Ocean
35 within the boundaries of the state, the Chesapeake Bay and its tributaries, and all ponds,
36 lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the
37 state, other than those designed and used to collect, convey, or dispose of sanitary
38 sewage. The floodplain of free-flowing waters determined by the state on the basis of the
39 one hundred year flood frequency is included as waters of the state.

40
41 **Section 17.22.020 Product inventory and tank testing.**
42

1 A. Testing for Underground Discharge. The director of the department of ~~public works~~
2 **neighborhood and environmental programs** of the city of Annapolis may require the testing
3 set forth by Maryland Department of the Environment.
4

5 1. The person in charge shall measure the liquid level of metered storage systems each
6 day of operation, and shall reconcile the results with pump meter readings and receipt of
7 product. These records shall be kept for one year at the storage system or at a location
8 designated by the owner or person in charge and shall be made available to the
9 department of ~~public works~~ **neighborhood and environmental programs** for reasonable
10 inspection.
11

12 2. Inventory variations exceeding one-half of one percent over a period of ten days shall
13 be reported to the owner of the storage system, and an investigation shall be initiated
14 immediately to determine the cause of the inventory variation. If inventory variation is
15 reconciled and there is no indication of a discharge, the cause of the variation as
16 determined by the investigation shall be noted in the daily inventory records.
17

18 3. If the investigation required by subdivision 1 of this subsection indicates a loss of
19 petroleum product, the owner or person in charge shall:

- 20 a. Perform a precision test on the system within seventy-two hours; or
21 b. Empty all petroleum product from the storage system until a precision test is
22 performed in accordance with the standards set forth by Maryland Department of the
23 Environment COMAR 16.10.
24

25 4. The department of ~~public works~~ **neighborhood and environmental programs** may order
26 a precision test if the person in charge of a storage system has failed to reconcile daily
27 inventory records as specified in subdivision 1 of this subsection.
28

29 5. The department of ~~public works~~ **neighborhood and environmental programs** may order
30 a precision test and monitoring wells if there is reason to believe there is or may be a loss
31 of petroleum product from a storage system.
32

33 6. Except for a storage system protected against corrosion and installed as required by the
34 state of Maryland, a storage system which has been buried for fifteen years or more, or a
35 storage system for which no installation date can be determined, shall meet the following
36 requirements:

- 37 a. It shall be tested for tightness in accordance with the precision test.
38 b. The initial test shall be performed within twenty-four months after the effective
39 date of the ordinance from which this regulation derives and shall be repeated on a storage
40 system at intervals of not greater than five years.

1 c. Storage systems with a total capacity of five hundred fifty gallons or less may be
2 tested in accordance with Maryland Department of Natural Resources, "Hydrostatic Test
3 for Underground Tanks," January, 1987.

4
5 7. The department of ~~public-works~~ neighborhood and environmental programs may
6 establish a testing schedule for storage systems within the city of Annapolis.

7
8 B. Notification. The director of the department of ~~public-works~~ neighborhood and
9 environmental programs or his or her designee of the city of Annapolis shall be notified in
10 the event of a storage system failure, in accordance with the notification procedures
11 established by the state of Maryland:

12
13 1. If a storage system fails a test for tightness or is determined otherwise to be leaking the
14 person conducting the test or inspection immediately shall take those steps necessary to
15 notify the owner, the person in charge of the storage system and the department of ~~public~~
16 works neighborhood and environmental programs within a two hour maximum time limit.

17
18
19 2. Upon notification that a storage system has failed a test, the person in charge or owner,
20 or both, of the storage system shall undertake the following steps:

21 a. Immediately notify the department of ~~public-works~~ neighborhood and
22 environmental programs that the storage system has failed a test for tightness;

23 b. Begin within seventy-two hours an investigation to determine whether the
24 discharge is occurring in the tank or piping system;

25 c. If the tank is determined to be discharging, immediately remove the petroleum
26 product; or

27 d. If the piping system is determined to be discharging, immediately drain and
28 discontinue the use of the piping system; and

29 e. The storage system either shall be repaired, removed, or abandoned in
30 accordance with the requisites of the state of Maryland.

31
32 3. After repairs have been made to a storage system which previously has failed a test for
33 tightness, a precision test shall be performed to verify that the condition which caused the
34 original failure of the test has been corrected, and the department of ~~public-works~~
35 neighborhood and environmental programs shall be notified of the results of that test.

36
37 4. Failure to notify the department of ~~public-works~~ neighborhood and environmental
38 programs in accordance with the requisites of this chapter is a municipal infraction with a
39 fine of one hundred dollars for any single, initial violation, and two hundred dollars for each
40 repeat or continuing daily violation.

41

1 C. Records. The director of the department of ~~public works~~ **neighborhood and**
2 **environmental programs** or his or her designee of the city of Annapolis may request copies
3 of all documentation kept on site, as required by the state of Maryland, by the owner,
4 operator or person in charge of a storage system:

5
6 1. When a precision test is performed, the following information shall be kept on file at the
7 facility or at a location designated by the owner or person in charge of the storage system,
8 and shall be made available for reasonable inspection by the department of ~~public works~~
9 **neighborhood and environmental programs** upon request:

- 10 a. Commercial name of the test equipment;
11 b. The name of the testing company;
12 c. The name of the person conducting the test;
13 d. A certification that the person conducting the test has completed a training course
14 in the proper use of the test equipment as given by the manufacturer of the test equipment
15 or his or her authorized agent, or the state of Maryland;
16 e. The data accumulated by the test; and
17 f. The results of the test as to whether or not the storage system is tight.

18
19 2. If a previously used tank is being reused, the original manufacturer's written certification
20 shall be kept on file at the facility or at a location designated by the owner or person in
21 charge of the storage system and be made available for reasonable inspection by the
22 department of ~~public works~~ **neighborhood and environmental programs** for the life of the
23 storage system.

24
25 3. Before each filling of existing oil storage systems which are required to maintain daily
26 inventory reconciliation records and which have provisions for measurement of contents,
27 and oil storage tanks installed after April 21, 1978, the liquid level shall be gauged and the
28 measurement shall be recorded in writing. These records shall be maintained for thirty days
29 and shall be made available for reasonable inspection by the department of ~~public works~~
30 **neighborhood and environmental programs**.

31
32 4. The director of ~~public works~~ **neighborhood and environmental programs** or his or her
33 designee may require that a plat, accurately locating the complete storage system, be kept
34 on site.

35
36 **Section 17.22.030 Permits--Fees--Required.**

37
38 A. Petroleum storage tank permits are required prior to performing any commercial or
39 residential tank work within the city of Annapolis.

40
41 B. Under this chapter, a person shall apply for and receive the permit before initiation of
42 work. The director of ~~public works~~ **neighborhood and environmental programs** or his or her

designee shall receive a written application for each permit and a permit fee as established by resolution of the city council.

C. A permit is valid if work was started and completed within a period of one hundred twenty days after issuances; otherwise, it is void and of no effect.

Section 17.22.050 Removal of petroleum storage tanks--Residential.

Any underground storage system which has been out of service for longer than one hundred eighty days shall comply with at least one of the following three options:

A. Remove the tank and all associated piping in its entirety. Any tank located in a public right-of-way must be removed in its entirety unless a physical obstruction does not allow the removal of such tank. This must be approved by the department of ~~public-works~~ **neighborhood and environmental programs** and the fire marshal.

B. Abandon the tank in place.

1. Expose the top of tank and remove residue/sludge.

2. The owner of the system shall provide sufficient evidence to the department of ~~public works~~ **neighborhood and environmental programs** showing that the system has not released products which have resulted in or which could result in the contamination of the surface water or groundwater of the state and city, i.e., soil samples by a licensed laboratory or test integrity of tanks as approved by Maryland Department of the Environment.

3. Fill the tank with an inert material approved by Maryland Department of the Environment.

C. Abandonment in place with no other options available. Determined and approved by the department of ~~public-works~~ **neighborhood and environmental programs** and the fire marshal.

Section 17.22.060 Inspections.

Any storage system under permit is inspected by the fire marshal and/or the department of ~~public-works~~ **neighborhood and environmental programs**. These inspections must be scheduled forty-eight hours prior to the date of the proposed inspection.

Section 17.22.090 Appeals.

1 A. ~~The building board of appeals shall consider appeals from the provisions of this chapter~~
2 ~~from the determination of the director of public works or his or her designee in the manner~~
3 ~~specified in the building code.~~ A person aggrieved by an order from the director or the
4 director's designee made pursuant to this chapter, other than the issuance of a municipal
5 citation or the charging of a misdemeanor, may appeal to the building board of appeals
6 within fifteen calendar days of the date of the order. The petition for appeal shall be in
7 writing stating the grounds for appeal and shall be filed with the department of
8 neighborhood and environmental programs along with a nonrefundable fee in an amount
9 established by the city council. Any right to appeal shall be waived if not timely filed.

10
11 B. The building board of appeals shall consider the appeal based upon the information
12 provided to the department of neighborhood and environmental programs at the time of the
13 order from which the appeal is taking. If the board finds that the order was in error or
14 contrary to the provisions of this code or other applicable law, the board may reverse or
15 modify the order. The decision of the board on all appeals shall be in writing and shall
16 contain the factual findings of the board and the reasons for the decision.

17
18 C. A person aggrieved by a decision of the building board of appeals made pursuant to
19 this section may appeal that decision to the circuit court for Anne Arundel County pursuant
20 to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a
21 person shall not be considered aggrieved by a decision of the board unless the person has
22 appeared as a party at the hearing before the board. An appeal under this section shall be
23 taken within thirty days of the date of the decision appealed and shall be the exclusive
24 remedy of the aggrieved party from that decision.

25
26 ~~B. Violations~~ D. Notwithstanding any provision in this chapter to the contrary, violations of
27 the state Fire Prevention Code shall be appealed through the state Fire Prevention
28 Commission pursuant to the procedures set forth in state law.

29 30 **Section 17.24.020 Applicability.**

31
32 A. This chapter, unless otherwise noted, governs and regulates the construction,
33 installation and equipment of gas fixtures, devices, appliances and connections from the
34 outlet of any meter or regulator supplying natural gas or a mixture of the same, undiluted
35 and liquefied petroleum gases, liquefied petroleum gas-air mixtures or mixtures of these
36 gases to any building, as follows:

37
38 1. Low pressure, not in excess of two pounds per square inch, domestic and slick public
39 works commercial piping systems extending from the outlet of the meter set assembly, or
40 the outlet of the service regulator when a meter is not provided, to the inlet connections of
41 appliances;

2. The installation, connection and operation of domestic and commercial appliances supplied at pressures of one-half pound per square inch or less.

B. This chapter covers all extensions of gas piping systems in existing structures, as well as new connections and new gasfitting installations. When a new fixture or appliance is installed, it shall be vented, if necessary, in accordance with the requirements of this chapter. All repairs to and alterations of existing gas piping systems shall conform with this chapter.

C. Adjustments to and replacement of appliances, replacement of parts and repairing of leaks are considered minor repairs, but the work shall be done by persons under the general supervision of a master gasfitter or restricted gasfitter in accordance with this chapter.

D. Conditions deemed unsafe by the director of ~~public-works~~ **neighborhood and environmental programs** or his or her designee, referred to in this chapter as the director, shall be made safe, or use of unsafe equipment shall be discontinued upon notice to the owner or user by the director or his or her designee and within the time specified in the notice. If the equipment is not safe, it may be ordered removed from service by the director or his or her designee.

Section 17.24.070 Gasfitter--License--Required.

A. No person shall do work as a master or restricted gasfitter or as a journeyman or restricted journeyman gasfitter without first applying for and receiving a license from Anne Arundel County. Applicants for any license provided for under this chapter shall also apply for and obtain a city license from the director of ~~public-works~~ **neighborhood and environmental programs** or his or her designee after paying all applicable license fees. New applicants for any license shall present a valid license from the county for the same level work unless otherwise noted in subsection C of this section.

B. Fees, as established by resolution of the city council, shall be charged for:

1. Master or restricted gasfitter license;
2. Master plumber and gasfitter license;
3. Journeyman or restricted journeyman gasfitter license;
4. Journeyman plumber and gasfitter license.

C. Where an applicant holds a current master plumber or journeyman plumber license in the city on June 1, 1974, or presents satisfactory evidence as meeting the requirements for the license for the appropriate grade as outlined in Section 17.24.060, the applicant shall be issued a master or restricted gasfitter or journeyman or restricted journeyman gasfitter license upon submitting the necessary application with payment of a license fee

as outlined in subsection B of this section. Application under this subsection must be made on or before November 30, 1974.

Section 17.24.090 Gasfitter--License--Inactivation.

A person who holds a master or restricted gasfitter license and is not engaged actively in gasfitting as a master or restricted gasfitter may shelve or inactivate the license. This shall be accomplished by written request to the plumbing board by the person concerned. The board shall mark immediately the personal history card of the person concerned as "voluntarily inactivated," attach the written request to the personal history card and notify in writing the person concerned that the request has been granted. A person who voluntarily inactivates a master or restricted gasfitter license may reactivate the license at a later date without an examination by written request addressed to the board and upon payment of the yearly renewal fee. The director of ~~public works~~ **neighborhood and environmental programs** or his or her designee shall issue a journeyman or restricted journeyman gasfitter license upon payment of the applicable journeyman fee to any master or restricted gasfitter who shelves a license and desires to continue in the gasfitting industry as a journeyman. Anyone who qualifies for a license under Section 17.24.070(C), who shelves or inactivates the license immediately upon the initial application, shall be deemed as having held a master or restricted gasfitter license under the terms of this subsection and shall not be charged a fee until the person desires to reactivate the license.

Section 17.24.120 Gasfitter--License--Carrying--Display.

A. Every licensed gasfitter and journeyman gasfitter shall have in that person's possession at all times when engaged in gasfitting work a card to be furnished by the director of ~~public works~~ **neighborhood and environmental programs**, showing that the gasfitter is the holder of a license issued pursuant to this chapter. The gasfitter shall exhibit the card upon request.

B. The license granted to a master or restricted gasfitter under this chapter shall be displayed conspicuously in the office or place of business of the licensee.

C. Every master or restricted gasfitter shall display conspicuously on each motor vehicle used in pursuit of that trade a sign having dimensions of at least twelve inches by sixteen inches, showing the name of the licensee as it appears on the face of the license and the licensee's telephone number. A sign used by a master plumber satisfies the requirements of this subsection.

Section 17.24.160 Gasfitter--Bond.

Insurance or surety as required by Maryland state law shall be filed with the department of ~~public works~~ **neighborhood and environmental programs** by each gasfitter before issuance

1 of the gasfitter's license, conditioned upon the full completion of all contracted gas work and
2 satisfaction of any judgment or execution issued against the gasfitter because of failure to
3 complete gas work or to pay for labor or materials in the work.

4
5 **Section 17.28.050 Plumber license--Required.**
6

7 No person shall do work as a master plumber or journeyman plumber in the city without
8 first applying for and receiving a license from the director of ~~public works~~ **neighborhood and**
9 **environmental programs** or his or her designee upon payment of an annual fee as
10 established by resolution of the city council for a master plumber and journeyman plumber.
11

12 **Section 17.28.080 Permit--Required.**
13

14 No plumbing system, no bathtub, washbowl, sink or water closet, urinal or any other
15 plumbing or drainage fixture shall be installed, altered or removed, no drainage connection
16 of any kind shall be made and no sewer, house drain, soil pipe, waste pipe, vent pipe or
17 water-supply pipe shall be placed, connected, altered or removed in or about any building
18 or structure without a permit signed by the director of ~~public works~~ **neighborhood and**
19 **environmental programs** or his or her designee; provided, however, that no permit is
20 required for the repair of water leaks, where there is no interference with the original design
21 of construction. All applications for permits shall be submitted in writing on forms prescribed
22 by the director of ~~public works~~ **neighborhood and environmental programs** or his or her
23 designee and shall be signed by a currently licensed master plumber.
24

25 **Section 17.28.090 Permit--Fees--Schedule.**
26

27 The charges for issuance of permits are the sum of a connection charge, a capital facility
28 charge, a capital facility assessment charge and an installation charge. The charges shall
29 be recommended to the city council by the director of public works and collected by the
30 director of neighborhood and environmental programs. The schedule of fees shall be
31 established by resolution of the city council.
32

33 A. Connection Charges.

34
35 B. Capital Facility and Capital Facility Assessment Charges. Capital facility and capital
36 facility assessment charges shall be based on equivalent residential units. An equivalent
37 residential unit is two hundred fifty gallons per day. No less than one equivalent residential
38 unit shall be charged.
39

40 1. An individual residential dwelling unit is one equivalent residential unit.
41

1 2. A shopping center's equivalent residential units shall be determined by multiplying 0.16
2 gallons per square foot per day times the enclosed square footage of the facility and
3 dividing by two hundred fifty gallons per day per residential unit.

4
5 3. Industrial, commercial and institutional facilities' equivalent residential units shall be
6 determined by dividing the average estimated water consumption or sewage flow as
7 appropriate in gallons by two hundred fifty gallons per residential unit. Average estimated
8 consumption of sewage flow will be determined by the director of ~~public works~~
9 **neighborhood and environmental programs** or his or her designee. Appeals to the
10 determination from errors of fact are permitted but not from sources of reference or method
11 of study per residential unit. Water consumption shall be that drawn in normal use from the
12 city supply and sewage flow shall be that discharged to the city sewer system. Industrial
13 wastes of unusual strength or character may be assessed additional residential units as
14 determined by the director of ~~public works~~ **neighborhood and environmental programs** or
15 the director or his or her designee may require pretreatment to remove heavy metals or
16 other deleterious materials prior to discharge of the waste to the city sewer system.

17
18 4. Combined commercial, industrial and institutional facilities' equivalent residential units
19 shall be determined by summing the fee for the individual functional areas.

20
21 5. Capital facility charge.

22
23 6. Capital facility assessment charge.

24 a. The unpaid balances of either or both the sewer and water capital facility
25 assessment charges may be paid at the owner's option, discounted at the rate of three and
26 three-fourths percent per annum;

27 b. A person who purchases a home in the urban renewal project area and who
28 previously resided in the home either as an owner or renter continuously for six months
29 immediately prior to the acquisition of the home by the urban renewal authority, is exempt
30 from the payment of the capital facilities assessment charge.

31
32 7. Capital facilities and capital facilities assessment charges shall be used exclusively to
33 pay for either or both the capital improvements and retirement of bonds on the wastewater
34 treatment facility or systems and water systems or facilities and not to supplement user
35 rates.

36
37 8. When the use and occupancy of a structure is changed, the director of ~~public works~~
38 **neighborhood and environmental programs** or his or her designee shall determine if the
39 water consumption or sewage discharge has changed materially from the previous use.
40 Any significant increase in usage or discharge may require assessment of capital facilities
41 and capital facility assessment charges as outlined in this subsection.

1 C. Installation Charges.

2
3 1. Reinspection Fee. A fee as established by resolution of the city council must be paid
4 before another inspection is made, if, for the original inspection, one or more of the
5 following occurred:

- 6 a. Requesting party called for inspection, but work was not ready;
7 b. Requesting party was not on site;
8 c. Building was locked;
9 d. Safety features not on site;
10 e. Approved drawings not on site.

11
12 D. State Road Opening or Tunneling. For any connection in which a state road must be
13 opened or tunneled, the charges set out in this section for public sewer and water supply
14 connections shall be increased by the additional cost of the work as estimated and
15 approved by the director of public works **neighborhood and environmental programs** or his
16 or her designee.

17
18 E. Master Plumber and Gasfitter. Master plumbers who currently are registered in the city
19 and who also are registered master gasfitters in the city shall be charged as established
20 by resolution of the city council for the additional gas connection for gas hot water heaters;
21 otherwise, the gas connection for gas hot water heaters must be made by a registered
22 master gasfitter at the regular rates.

23
24 F. Sizes not Shown. Charges for any sizes not shown in this section shall be determined
25 by the director of public works **neighborhood and environmental programs** or his or her
26 designee.

27
28 G. Capital Facility Extension Fee. Any capital facility extension fees shall be used
29 exclusively to pay for either or both the capital improvements and retirement of bonds on
30 the wastewater treatment facility or systems and water systems or facilities and not to
31 supplement user rates.

32
33 H. The city council may designate by resolution certain areas in the city of Annapolis to be
34 revitalization areas. In adopting such a resolution, the city council shall take into
35 consideration the following factors as they apply to the area:

- 36
37 1. The availability, cost, and condition of business facilities;
38
39 2. The age and number of substandard structures;
40
41 3. The income of residents relative to state or regional median incomes, including the
42 number of persons who are welfare recipients or unemployed;

1 4. The extent of unemployment and the availability in the area of jobs for residents of the
2 area;

3
4 5. The need for small businesses to locate in the area in order to upgrade the social and
5 economic conditions of the designated neighborhood; and

6
7 6. Support from community and business organizations.

8
9 I. When a property lies in a designated revitalization area, the capital facility charge shall,
10 at the request of the owner, be payable as follows: forty percent prior to the issuance of any
11 permit; twenty percent prior to the first anniversary of the earliest permit issuance; twenty
12 percent prior to the second anniversary of the earliest permit issuance; final twenty percent
13 prior to the third anniversary of the earliest permit issuance.

14
15 **Section 17.28.095 Letter of credit.**

16
17 An irrevocable letter of credit in a form acceptable to the director of ~~public works~~
18 **neighborhood and environmental programs**, issued by an accredited financial institute
19 guarantying full payment of the amount of the deferred capital facility charge shall be filed
20 with the department of ~~public works~~ **neighborhood and environmental programs** or his or
21 her designee prior to the issuance of any permit.

22
23 **Section 17.28.140 Enforcement.**

24
25 The director of ~~public works~~ **neighborhood and environmental programs** shall enforce the
26 plumbing code and shall issue citations relating to municipal infractions in the plumbing
27 code.

28
29 **Section 17.30.010 Utility contractor license--Required.**

30
31 No person shall do work as a utility contractor in the city of Annapolis without first applying
32 for and receiving a license from the director of ~~public works~~ **neighborhood and**
33 **environmental programs** upon payment of an annual fee as established by resolution of the
34 city council. Specific types of license shall be as per the requirements as established by the
35 director of public works. Issued licenses are not transferable for any reason. All fees are
36 nonrefundable.

37
38 **Section 17.30.020 Utility contractor license--Bond.**

39
40 Insurance or surety as required by state law shall be filed with the director of ~~public works~~
41 **neighborhood and environmental programs** by each utility contractor before issuance of the
42 utility license, conditioned upon the full completion of all contracted utility work and

1 satisfaction of any judgment or execution issued against the utility contractor because of
2 failure to complete utility work or to pay for labor or materials in the work.

3
4 **Section 17.30.040 Utility permit--Required.**

5
6 A. Except as otherwise provided in this chapter, no person shall make any installation or
7 alteration or replacement of any sewer, water main, gas main, stormwater main, sprinkler
8 main, force main and their lines, cable television or other related above and underground
9 structures or perform any work which is subject to this chapter without first obtaining a utility
10 permit from the director of public works neighborhood and environmental programs.

11
12 B. All applications for permits shall be submitted in writing on forms prescribed by the
13 director of public works neighborhood and environmental programs and shall be signed by
14 a currently licensed utility contractor.

15
16 C. A utility permit is void unless work for which the permit has been issued is commenced
17 within a period of one hundred twenty days after issuance or if the authorized work is
18 suspended or abandoned for a period of six months after the time of commencing the work.
19 The maximum duration of a utility permit is two years from the issue date, except that if
20 related to a building permit the utility permit shall expire on expiration of the building permit
21 unless specified otherwise.

22
23 D. The director may renew a utility permit for an additional one hundred twenty day period
24 if the applicant:

25
26 1. Makes written request for the renewal prior to the expiration of the first one hundred
27 twenty day period; and

28
29 2. Provides written justification, satisfactory to the director, that work could not be
30 commenced within the initial one hundred twenty day period because of circumstances
31 beyond the control of the applicant.

32
33 E. ~~Suspension, Revocation of Permit and Withholding Applications.~~ The director may
34 withhold permit applications or may suspend or revoke any utility permits for any
35 irregularities in installation or for unsafe or unworkmanlike installation or for any violations
36 of the utility code and this chapter.

37
38 F. Issued permits are not transferable for any reason.

39
40 **Section 17.30.050 Permit--Fee.**

41

1 A. Fees shall be as established under Section 16.04.030 but shall also include gas main,
2 storm-water main, sprinkler main, force mains and their lines, cable television or other
3 aboveground and underground related structures. Applicant shall file an application
4 supported by an affidavit which specifies the contract price of labor and material of the
5 proposed utility work. All fees shall be paid in full prior to the issuance of any permit. All
6 fees are nonrefundable.

7
8 B. The following fees shall apply to all other work and conditions in addition to subsection
9 A:

10
11 1. Reinspection Fee. A fee as established by resolution of the city council must be paid
12 before another inspection is made if, for the original inspection, one or more of the following
13 occurred:

- 14 a. Requesting party called for inspection, but work was not ready;
- 15 b. Requesting party was not on site;
- 16 c. Safety features not on site;
- 17 d. Approved drawings not on site;
- 18 e. Trench shoring not in place.

19
20 2. Failure to Notify the Department of ~~public-works~~ **neighborhood and environmental**
21 **programs**. There shall be a fee as established by resolution of the city council charged
22 whenever the licensee fails to notify the department within the prescribed time that the work
23 authorized by a validly issued utility permit is complete.

24
25 3. Investigation Fee. Whenever any work for which a permit is required under this code
26 has been commenced without authorization of such permit, a special investigation shall be
27 made before a permit may be issued for such work. In addition to the regular permit fee or
28 any penalty fees, an investigations fee as established by resolution of the city council shall
29 be collected.

30
31 **Section 17.30.080 Standards.**

32
33 A. All utility excavations and utility installations and backfill shall be performed to accepted
34 engineering practices.

35
36 B. Other than stormwater mains, sprinkler mains and their lines and related
37 appurtenances, the utility contractor shall not make any installation, alteration or
38 replacement of utilities between the subject property line up to the building, dwelling or
39 structure unless approved otherwise by the director of ~~public-works~~ **neighborhood and**
40 **environmental programs**. These installations shall be performed by a licensed Maryland
41 plumber.

1 C. ~~Trench Shoring and Trench Slope Cut~~. Whenever an excavated trench depth exceeds
2 forty-eight inches at its highest point, trench shoring shall be immediately installed on both
3 sides of the excavated trench or the trench sides shall be cut back to a slope of not less
4 than two to one. These protective measures shall remain in place until inspections and
5 approvals are made and utility trench is ready for backfill.

6
7 D. ~~Inspections~~. All utility installations shall be inspected prior to any backfill.

8
9 E. Backfill material and compaction shall be as per the requirements as established by the
10 director of public works.

11
12 F. ~~Call~~ The utility contractor shall call Miss Utility at a minimum of forty-eight hours prior
13 to the start of any excavation.

14
15 G. ~~State Road~~. The utility contractor shall be responsible for securing all state approvals
16 and paying all applicable fees related to utility work on or under a state road.

17
18 H. The utility contractor shall be responsible for all repair and replacement costs for any
19 damage to city property, property of others, above and below ground, utilities not related
20 to the subject construction project, such as cable television, telephone cable, gas lines,
21 manholes, inlets, meters, stormlines, cleanouts, electric cable, petroleum fuel tanks, and
22 mechanical ducts.

23
24 J. ~~Work Hours~~. Unless approved otherwise, no construction work or machinery shall be
25 started prior to 7:00 a.m. and finish up no later than dusk. There shall be no work
26 performed on a Sunday unless a bona fide emergency, as approved by the director of
27 public works neighborhood and environmental programs, arises.

28
29 K. Traffic control, roadway, sidewalk and footway obstruction shall be as per the
30 requirements established by the director of public works.

31
32 L. ~~Open Excavations~~. ~~Protect~~ The utility contractor shall protect the public from work area
33 and open excavations at all times day and night with one or more of the following: workers,
34 flagmen, barriers, fencing, metal plates, signage, blinking lights and similar devices.
35 Roadway excavations required to remain open when construction has temporarily ceased
36 shall be protected by the utility contractor with secured heavy traffic duty metal plates.

37
38 M. After completing the work, utility contractor shall repair and replace all disturbed earth,
39 roadways, paving, sidewalks, gutters, curbs, etc., to meet or exceed the original condition
40 but not less than city standards.

41
42

Section 17.30.100 Enforcement.

The enforcement of the utility code is the duty of the director of public works **neighborhood and environmental programs.**

Section 17.34.010 Fences, hedges or walls.

A. Permit Required.

1. No new fence, wall or hedge shall be erected and no existing fence or wall shall be altered or replaced until a permit is obtained from the city. The nonrefundable application fee and permit fee shall be in accordance with Section 17.12.056. The permit shall not be issued until the drawings have been approved by the director or his or her designee.

2. In approving or disapproving the drawings, consideration shall be given to the type of materials to be used, whether or not the fence, wall or hedge unduly obstructs light and air from neighboring properties or public ways, and whether or not the fence, wall or hedge unduly will obstruct visibility upon public streets. Materials used for fences, walls or hedges in residential zoning districts shall be in keeping with the character and purpose for which the fence, wall or hedge was intended. Except in connection with penal and correctional institutions and public utility and service uses, no fence, wall or hedge shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.

3. Fences or walls may be installed up to, but not over the property line. It is the responsibility of the applicant to assure that the proposed fence or wall will not be installed on property of others. All property line disputes are between abutting property owners, not the city.

4. Work shall commence within thirty days from the date of the issuance of the permit and be completed in one hundred twenty days after issuance.

B. Administrative Review.

1. All fences or walls of four feet or less measured from the adjoining finished grade will be approved routinely unless an inspection of the property indicates that a fence or wall of this height unduly would obstruct light and air from neighboring properties or public ways, or unduly obstruct visibility upon public streets.

2. All fences or walls of more than four feet require notification to the neighbors. Only the property owners abutting the proposed fence or wall shall be notified. This includes the owners of vacant land, rental units and vacant buildings. The property owners shall be

1 notified by mail or hand delivery of the proposal and given ten calendar days to respond.
2 It is the responsibility of the applicant or his authorized agent to notify the abutting owners.
3 Failure to respond indicates no objection to the proposal.
4

5 3. ~~Historic District.~~ All new fences or walls and gates and all existing fences, walls and
6 gates to be altered located in the historic district **as defined in Title 21 of the city code**
7 require the review and approval of the historic preservation commission.

8 4. Unless approved otherwise, all fences or walls shall not be located in landscape buffers,
9 conservation easements, over utility easements, across walkway easements and public
10 rights of way.
11

12 5. Fences or walls shall not be located closer than three feet to a fire hydrant.
13

14 6. Fences or walls shall not alter or impede the natural flow of stormwater, nor divert the
15 water onto the property of others.
16

17 ~~G. Appeals. An appeal of the issuance or denial of the permit may be taken to the building~~
18 ~~board of appeals. The appeal shall be made in writing within fifteen calendar days of the~~
19 ~~issuance or denial. Fifteen days' notice of the hearing also shall be given to persons~~
20 ~~owning property within two hundred feet of the location of the proposed fence, wall or~~
21 ~~hedge by first-class mail, and to the general public by a notice published in a newspaper~~
22 ~~of general circulation in the city. All required notices shall be at the appellant's expense.~~
23

24 ~~D. Violations--Penalty. A person who violates this chapter is guilty of a municipal infraction~~
25 ~~and is subject to a fine of one hundred dollars for any single, initial violation and a fine of~~
26 ~~two hundred dollars for each repeat or continuing violation.~~
27

28 **Section 17.34.020 Appeals**

29

30 **A. A person aggrieved by an order from the director or the director's designee made**
31 **pursuant to this chapter, other than the issuance of a municipal citation, may appeal to the**
32 **building board of appeals within fifteen calendar days of the date of the order. The petition**
33 **for appeal shall be in writing stating the grounds for appeal and shall be filed with the**
34 **department of neighborhood and environmental programs along with a nonrefundable fee**
35 **in an amount established by the city council. Any right to appeal shall be waived if waived**
36 **if not timely filed.**
37

38 **B. Fifteen days' notice of the hearing also shall be given to persons owning property within**
39 **two hundred feet of the location of the proposed fence, wall or hedge by first-class mail,**
40 **and to the general public by a notice published in a newspaper of general circulation in the**
41 **city. All required notices shall be at the appellant's expense.**
42

1 C. The building board of appeals shall consider the appeal based upon the information
2 provided to the department of neighborhood and environmental programs at the time of the
3 order from which the appeal is taking. If the board finds that the order was in error or
4 contrary to the provisions of this code or other applicable law, the board may reverse or
5 modify the order. The decision of the board on all appeals shall be in writing and shall
6 contain the factual findings of the board and the reasons for the decision.
7

8 D. A person aggrieved by a decision of the building board of appeals made pursuant to this
9 section may appeal that decision to the circuit court for Anne Arundel County pursuant to
10 Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a
11 person shall not be considered aggrieved by a decision of the board unless the person has
12 appeared as a party at the hearing before the board. An appeal under this section shall be
13 taken within thirty days of the date of the decision appealed and shall be the exclusive
14 remedy of the aggrieved party from that decision.
15

16 **Section 17.34 .030 Violations**

17

18 A person who violates this chapter is guilty of a municipal infraction and is subject to a fine
19 of one hundred dollars for any single, initial violation and a fine of two hundred dollars for
20 each repeat or continuing violation.
21

22 **Section 17.40.040 Approved.**

23

24 "Approved" means approved by the director of ~~public-works~~ neighborhood and
25 environmental programs in accordance with the provisions of this code.
26

27 **Section 17.40.050 Approved common garbage storage or disposal facilities.**

28

29 "Approved common garbage storage or disposal facilities" means metal or other damage-
30 resistant, noncorrodible, nonabsorbent, nonleakable covered receptacles; or incinerators
31 approved by the director of ~~public-works~~ neighborhood and environmental programs.
32

33 **Section 17.40.280 Bathroom--Toilet, basin and shower or bathtub.**

34

35 Every dwelling unit shall contain within its walls a room, separate from the habitable rooms,
36 which shall afford privacy and which is equipped with complete bathroom facilities
37 consisting of a flush water closet, lavatory basin and bathtub or shower in good working
38 condition and properly connected to water and sewer systems approved by the director of
39 ~~public-works~~ neighborhood and environmental programs.
40

41 **Section 17.40.290 Kitchen--Sink, stove and refrigerator.**

42

1 Every dwelling unit shall contain within its walls a kitchen sink, cooking stove and
2 refrigerator in good working condition. The kitchen sink shall be connected properly to
3 water and sewer systems approved by the director of ~~public works~~ neighborhood and
4 environmental programs.
5

6 **Section 17.40.340 Ventilation.**
7

8 Every habitable room shall have at least one window or skylight which can be opened
9 easily or any other device as will ventilate the room adequately; provided, that if connected
10 to a room or area used seasonably, then adequate ventilation must be possible through this
11 interconnection. The total of openable window area in every habitable room shall be equal
12 to at least forty-five percent of the minimum window area size or minimum skylight-type
13 window size as required by Section 17.40.320, except where there is supplied some other
14 device affording adequate ventilation and approved by the director of ~~public works~~
15 neighborhood and environmental programs.
16

17 **Section 17.40.350 Bathroom ventilation and light.**
18

19 Every bathroom and water closet compartment, and nonhabitable room used for food
20 preparation, shall comply with the light and ventilation requirement for habitable rooms
21 contained in Sections 17.40.320 and 17.40.340, except, that no window or skylight shall
22 be required in these rooms if they are equipped with adequate artificial light and a
23 ventilation system in good working condition which is approved by the director of ~~public~~
24 works neighborhood and environmental programs.
25

26 **Section 17.40.370 Heat.**
27

28 **A.** Every dwelling shall have heating facilities which are capable of safely and adequately
29 heating all habitable rooms, bathrooms and water closet compartments within its walls.
30

31 **B.** Except to the extent permitted by the provisions of ~~Section 14-1310 of the Commercial~~
32 ~~Law Article of the Annotated Code of Maryland, as amended from time to time, portable~~
33 ~~heating equipment employing flame is~~ Annotated Code of Maryland, Commercial Law
34 Article, Title 14, Subtitle 13, hand-fired heating stoves, freestanding fireplaces and
35 unvented portable kerosene-fired heaters are prohibited.
36

37 **C.** The heating facilities for multifamily dwellings having central heating systems required
38 in this section shall be kept in operation from October 1st through April 30th of each year
39 to provide adequate heat as required and shall be put in operation during any of the
40 remaining months of any year when the outside temperature falls below sixty degrees
41 Fahrenheit.
42

Section 17.40.670 Permit to operate.

No person shall operate a roominghouse unless the person holds a valid roominghouse permit issued by the city clerk in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the director of ~~public works~~ **neighborhood and environmental** programs for the permit, which shall be issued upon compliance by the operator with the applicable provisions of this chapter and of any rules and regulations adopted pursuant to this chapter. The permit shall be displayed at all times in a conspicuous place within the roominghouse. The fee for the permit shall be as set forth in Chapter 17.44.

Section 17.40.690 Bathroom facilities--Number.

Every roominghouse shall be equipped with at least one flush water closet, one lavatory basin and bathtub or shower for each six persons or fraction of six persons within the roominghouse, including members of the family of the owner or operator if they share the use of the facilities. In a rooming-house in which rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All of the facilities shall be connected properly to approved water and sewerage systems. No facilities located in a basement or cellar shall count in computing the number of facilities required by this section except when approved by the director of ~~public works~~ **neighborhood and environmental** programs.

Section 17.40.830 Inspections.

A. The director of ~~public works~~ **neighborhood and environmental** programs or his or her designee may make inspections of dwellings, dwelling units, rooming units and premises and unimproved property to determine whether the conditions comply with this chapter. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge of the premises or unimproved property, upon proper identification being made, shall give to the director or his or her designee free access to the premises and all parts of the premises, at all reasonable times, for the purpose of inspection, examination and survey.

B. If any owner, occupant or other person in charge of a structure or property subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the director may seek, in a court of competent jurisdiction, an order that the owner, occupant or other person in charge cease and desist with the interference.

Section 17.40.860 Dwellings unfit for human habitation--Demolition.

1 A. The director of ~~public-works~~ **neighborhood and environmental programs** shall order a
2 dwelling, dwelling unit or rooming unit to be demolished if it has been designated and
3 placarded as unfit for human habitation, has been vacated, and not been put into proper
4 repair as to rescind the designation as unfit for human habitation and to cause the placard
5 to be removed.

6
7 B. The owner of any dwelling, dwelling unit or rooming unit which has been ordered
8 demolished shall be given notice of the order in the manner provided for service of notice
9 in Section 17.40.840 and shall be given a reasonable time not to exceed ninety days to
10 demolish the structure.

11
12 C. An owner aggrieved by the notice to demolish may seek, within ten days, a
13 reconsideration of the matter in the manner provided in this article, and may seek a formal
14 hearing in the manner provided in Section 17.40.880.

15
16 D. When the owner fails, neglects or refuses to demolish an unfit, unsafe or unsanitary
17 dwelling, dwelling unit or rooming unit within the requisite time, the director of ~~public-works~~
18 **neighborhood and environmental programs** may apply to a court for a demolition order to
19 undertake the demolition. The court may grant the order when no reconsideration or
20 hearing on the matter is pending. The cost of demolition or abatement shall be a lien on the
21 property and collectible in the same manner as delinquent taxes.

22
23 E. Whenever a dwelling is demolished, whether carried out by the owner or by the director,
24 the demolition shall include the filling in of the excavation remaining on the property on
25 which the demolished dwelling was located in a manner which eliminates all potential
26 danger to the public health, safety or welfare arising from the excavation.

27
28 F. All demolition shall be preceded by an inspection of the premises by the director to
29 determine whether or not extermination procedures are necessary. If the premises are
30 found to be infested, appropriate rat extermination to prevent the spread of rats to other
31 areas shall be instituted before, during and after demolition.

32
33 **Section 17.40.870 Emergency correction or abatement.**

34
35 A. Whenever, in the judgment of the director of ~~public-works~~ **neighborhood and**
36 **environmental programs**, an emergency exists which requires immediate action to protect
37 the public health, safety or welfare, an order may be issued without notice, conference or
38 hearing, directing the owner, occupant, operator or agent to take whatever action is
39 appropriate to correct or abate the emergency. If circumstances warrant, the director may
40 act to correct or abate the emergency.

1 B. The owner, occupant, operator or agent shall be granted a conference on the matter
2 upon request as soon as practicable, but a conference shall not stay the abatement or
3 correction of such emergency.
4

5 **Section 17.40.880 Appeals.**
6

7 A. The **building** board of appeals has jurisdiction to hear and decide appeals from any
8 order, requirement, decision or determination made by the director of ~~public works or the~~
9 ~~health officer~~ **neighborhood and environmental programs or the director's designee** under
10 this chapter, **other than the issuance of a municipal citation or the charging of a**
11 **misdemeanor. The petition for appeal shall be in writing stating the grounds for appeal and**
12 **shall be filed with the department of neighborhood and environmental programs along with**
13 **a nonrefundable fee in an amount established by the city council. Any right to appeal shall**
14 **be waived if waived if not timely filed.**
15

16 B. Appeals to the **building** board of appeals shall be made within the time specified by the
17 director of ~~public works~~ **neighborhood and environmental programs** for correction of the
18 alleged violation, as mentioned in Section 17.40.840, or within ten days from the receipt of
19 notice of violation, suspension or revocation, whichever is the shorter period, by letter
20 addressed to the board setting forth the order, requirements, decision or determination from
21 which the appeal is taken, and alleging sufficient facts to show an error in the order,
22 requirement, decision or determination, or that compliance with the order, requirement,
23 decision or determination will result in severe and undue hardship unwarranted by the
24 circumstances.
25

26 C. Within a reasonable time after receiving notice of an appeal, but not less than five days,
27 the chair shall fix a time and place for the hearing of the appeal, and shall send notice of
28 the hearing to the appellant or the appellant's attorney of record.
29

30 D. In deciding appeals, the **building** board of appeals shall determine from all of the
31 evidence presented to it, if there is any error in the order, requirement, decision or
32 determination from which the appeal is taken, or if severe and undue hardship will result
33 to the appellant, or others, by enforcement of the order, requirement, decision or
34 determination, not warranted by considerations for the public health, safety and welfare.
35 The board may reverse, affirm or modify, wholly or partly, the order, requirement, decision
36 or determination appealed from, and may make any further order, requirement, decision
37 or determination as ought to be made upon all of the evidence presented to it.
38

39 E. Upon making a final determination, the **building board of appeals** shall give notice of the
40 determination to the appellant by the same procedures set forth in Section 17.40.840, and
41 in the event the determination requires some action to be taken by the appellant, the notice
42 shall state a reasonable time within which the action shall be taken, and further shall state

1 that unless the action is taken within the time specified, the appellant will be subject to the
2 penalties provided in Section 17.40.890.

3
4 F. A person aggrieved by a decision of the building board of appeals made pursuant to this
5 section may appeal that decision to the circuit court for Anne Arundel County pursuant to
6 Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a
7 person shall not be considered aggrieved by a decision of the board unless the person has
8 appeared as a party at the hearing before the board. An appeal under this section shall be
9 taken within thirty days of the date of the decision appealed and shall be the exclusive
10 remedy of the aggrieved party from that decision.

11
12 **Section 17.40.890 Violation--Penalty.**

13
14 A. A person served with the notice required by Section 17.40.840 who fails to comply with
15 the notice is guilty of a municipal infraction and is subject to a fine of fifty dollars. If the
16 violation is not corrected fully within the following five-day period, a second citation may be
17 issued assessing an additional fine of fifty dollars. For each successive five-day period
18 during which the violation is not corrected fully a new citation shall be issued assessing the
19 fine of one hundred dollars. No citation shall be issued if an election to stand trial on the
20 original citation has been filed and is pending. In the event of an appeal to the building
21 board of appeals, no citation for a municipal infraction shall be issued until the final notice
22 required by Section 17.40.880 first has been served upon the alleged violator and the time
23 specified in the notice for taking the required action has expired with the action required by
24 the notice not having been taken and completed.

25
26 B. A person served with notice of violation required by Section 17.40.840 who fails to
27 comply with the notice according to the schedule specified by the director of ~~public works~~
28 neighborhood and environmental programs and who has not elected to stand trial on the
29 citation is guilty of a misdemeanor and on conviction is subject to a fine of one thousand
30 dollars or imprisonment not exceeding six months or both. Each day the violation remains
31 uncorrected shall be considered a separate offense.

32
33 **Section 17.44.010 Required.**

34
35 A. No person shall let for occupancy or use any vacant single rental dwelling unit, multiple
36 dwelling, bed and breakfast home or roominghouse without a current operating license
37 issued by the city clerk, after the application for the license has been approved by the
38 director of ~~public works~~ neighborhood and environmental programs, with the concurrence
39 of the planning and zoning director, and the fire chief and the health officer, for the specific
40 named unit, multiple dwelling, bed and breakfast home or roominghouse.

1 B. When an operating license is suspended or revoked or an application for renewal is
2 denied, it shall be unlawful for any person to let for occupancy or use any dwelling unit then
3 vacant or becoming vacant until a license has been reissued or revalidated.
4

5 **Section 17.48.210 Overloading of circuits.**
6

7 Overloading of circuits is prohibited. Where it is found after notice and hearing that by
8 reason of the appliances and fixtures there is continuing overloading of an electrical line
9 creating a hazard, the owner shall be required to install a line of sufficient capacity to
10 absorb the load to which the line is subjected, or otherwise eliminate the conditions causing
11 the overload. For purposes of this section, the director of ~~public-works~~ **neighborhood and**
12 **environmental programs** may consider the peak seasonal load to which the line is
13 subjected.
14

15 **Section 17.48.280 Inspection.**
16

17 The director of ~~public-works~~ **neighborhood and environmental programs** shall make
18 inspections to determine the condition of nonresidential buildings and premises to
19 safeguard the health and safety of the occupants of dwellings and of the general public. For
20 the purpose of making an inspection the director, upon presentation of proper credentials,
21 may enter, examine and survey at all reasonable times all nonresidential buildings and
22 premises. The owner of a nonresidential building or the person in charge of the building
23 shall give the director free access to the building and its premises at all reasonable times
24 for the purpose of the inspection, examination and survey. An occupant or operator of a
25 nonresidential building shall give the owner or the owner's agent or employee, access to
26 any part of the nonresidential building or its premises, at all reasonable times, for the
27 purpose of making the repairs or alterations as are necessary to effect compliance with this
28 chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant
29 to this chapter.
30

31 **Section 17.48.290 Notice to correct--Issuance.**
32

33 Whenever the director of ~~public-works~~ **neighborhood and environmental programs**
34 determines that there are reasonable grounds to believe that there has been a violation of
35 this chapter or of any rule or regulation adopted pursuant to this chapter, the director shall
36 give notice of the alleged violation to the owner or an agent as provided in this section. The
37 notice:
38

39 A. Shall be by certified mail;
40

41 B. Shall include a statement of the reasons why it is being issued;
42

1 C. Shall allow a reasonable time for the performance of any act it requires;
2

3 D. Shall be served upon the owner or an agent of the owner by certified mail, as the case
4 may require; provided, that the notice shall be deemed to be served properly upon the
5 owner or agent if a copy of the notice is served upon the owner or agent personally, or if
6 a copy is sent by certified mail to the last known address of the owner or agent, or if a copy
7 is posted in a conspicuous place in or about the premises affected by the notice, or if the
8 owner or agent is served with the notice by any other method authorized under the laws
9 of this state;
10

11 E. May contain an outline of remedial action which if taken will effect compliance with this
12 chapter and with rules and regulations adopted pursuant to this chapter.
13

14 **Section 17.48.300 Notice to correct--Appeal.**
15

16 A. The board of appeals also shall be the adjudicatory body for hearing appeals from the
17 provisions of this chapter.
18

19 B. A person aggrieved by any notice or order which has been issued in connection with
20 the enforcement of this chapter may appeal the matter to the board of appeals. The
21 appellant, within ten days after service of a notice or order, shall file in the office of the
22 director of public works **neighborhood and environmental programs** a signed written notice
23 of appeal, requesting a hearing and setting forth a brief statement of the reasons for the
24 hearing. Upon receipt of the notice of appeal, the director shall notify the board. The board
25 shall set a time and place for the hearing and shall give the appellant and the director
26 notice of the hearing. The board shall file the decision on an appeal within forty-five days
27 following the conclusion of the hearing on the appeal.
28

29 C. After the hearing the board may affirm, amend, modify or withdraw the notice or order
30 from which an appeal was taken. The decision of the board constitutes an order and any
31 person who fails, refuses or neglects to comply with any order is guilty of violating this
32 chapter.
33

34 D. The decision of the board in all cases shall be final; except, that any appellant or party
35 directly aggrieved by a decision of the board, within thirty days after the rendering of the
36 decision, may appeal to the circuit court for the county. The findings of fact of the board
37 shall be conclusive and judicial review shall be limited solely to errors of law and questions
38 of constitutionality. The decision of the board in any case on appeal shall be stayed
39 pending a decision of the court.
40

41 **Section 17.48.310 Notice to correct--Emergency.**
42

1 Whenever the director of ~~public works~~ **neighborhood and environmental programs** finds that
2 an emergency exists which requires immediate action to protect the public health, the
3 director, without notice or hearing, may issue an order reciting the existence of the
4 emergency and requiring that action be taken as the director deems necessary to meet the
5 emergency. Notwithstanding the other provisions of this chapter, the order shall be effective
6 immediately, but upon petition to the director of ~~public works~~ **neighborhood and**
7 **environmental programs** a hearing shall be afforded as soon as possible. After the hearing,
8 depending upon the director's finding as to whether the provisions of this chapter and of the
9 rules and regulations adopted pursuant to this chapter have been satisfied, the director
10 shall continue in effect, modify or revoke the order.
11

12 **Section 17.48.320 Unfit building--Condemnation.**

13
14 The designation of nonresidential buildings as unfit for human use and the procedure for
15 the condemnation and placarding of these nonresidential buildings shall be carried out in
16 compliance with the following requirements:
17

18 A. Defects Requiring Condemnation. Any nonresidential building which is found to have
19 any of the following defects shall be condemned as unfit for human use and be designated
20 and placarded by the director of ~~public works~~ **neighborhood and environmental programs**:
21

- 22 1. One which is damaged, decayed, dilapidated, insanitary, unsafe or vermin-infested so
23 that it creates a serious hazard to the health or safety of the occupants or of the public;
24
- 25 2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the
26 health or safety of the occupants or the public;
27
- 28 3. One which because of its general condition is unsanitary or otherwise dangerous to the
29 health or safety of the occupants or the public.
30

31 B. Vacation--Correction--Placard Removal. Any nonresidential building condemned as unfit
32 for human use and so designated and placarded by the director of ~~public works~~
33 **neighborhood and environmental programs** shall be vacated within a reasonable time as
34 ordered by the director. The director shall remove the placard whenever the defect or
35 defects upon which the condemnation and placarding action were based have been
36 eliminated.
37

38 C. No person shall deface or remove the placard from any nonresidential building which
39 has been condemned and placarded as unfit for human use, except as provided in
40 subsection B of this section.
41

1 D. A person aggrieved by a notice or order relating to the condemning and placarding of
2 a nonresidential building as unfit for human use may appeal the notice or order to the board
3 of appeals, under the procedure set forth in Section 17.48. 390 360.

4
5 **Section 17.48.330 Unfit building--Demolition.**
6

7 If the director of ~~public works~~ neighborhood and environmental programs finds that the
8 property owner has failed to correct the defects noted in the placarding of the
9 nonresidential building within ninety days, the director shall order the demolition of the
10 nonresidential building or abatement of the nuisance and the cost of the demolition or
11 abatement shall be a lien on the property and collectible in the same manner as delinquent
12 taxes. The historic district commission shall review and approve the demolition as required
13 in Title 21 of this code. Unoccupied structures which are found to be a serious hazard to
14 the public, in the same manner as provided in subsections A and B of Section 17.40.320,
15 shall be ordered demolished or abated by the director and appeals shall be heard as
16 provided in Section 17.48.300. The cost of demolition or abatement shall be a lien on the
17 property and collectible in the same manner as delinquent taxes.
18

19 **Section 17.48.350 Violation--Penalty.**
20

21 A person who violates this chapter is guilty of a municipal infraction and is subject to a fine
22 of one hundred dollars for each five-day period in violation and a fine of one hundred
23 dollars for each repeat or continuing violation; provided, that no citation for a municipal
24 infraction shall be issued until the notice required by Section 17.48.290 first has been
25 served upon the alleged violator and the time specified in the notice for correction of the
26 violation has expired with no appeal to the board of appeals having been taken and with
27 the condition in violation of this chapter not having been corrected. In the event of an
28 appeal to the board of appeals, no citation for a municipal infraction shall be issued until
29 notice of the decision of the board of appeals first has been served upon the alleged
30 violator and the time specified in the notice for taking the required action has expired with
31 the action required by the notice not having been taken or completed. A continuing violation
32 of the same provision of this chapter constitutes a separate violation for each day in which
33 the condition is allowed to exist after the expiration of the time specified in the notice given
34 by the director of ~~public works~~ neighborhood and environmental programs or the board of
35 appeals, whichever is later.
36

37 **Section 17.48.360 Appeals**
38

39 A. A person aggrieved by an order from the director or the director's designee made
40 pursuant to this chapter, other than the issuance of a municipal citation or the charging of
41 a misdemeanor, may appeal to the building board of appeals within fifteen calendar days
42 of the date of the order. The petition for appeal shall be in writing stating the grounds for

1 appeal and shall be filed with the department of neighborhood and environmental programs
2 along with a nonrefundable fee in an amount established by the city council. Any right to
3 appeal shall be waived if not timely filed.
4

5 B. The building board of appeals shall consider the appeal based upon the information
6 provided to the department of neighborhood and environmental programs at the time of the
7 order from which the appeal is taking. If the board finds that the order was in error or
8 contrary to the provisions of this code or other applicable law, the board may reverse or
9 modify the order. The decision of the board on all appeals shall be in writing and shall
10 contain the factual findings of the board and the reasons for the decision.
11

12 C. A person aggrieved by a decision of the building board of appeals made pursuant to this
13 section may appeal that decision to the circuit court for Anne Arundel County pursuant to
14 Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a
15 person shall not be considered aggrieved by a decision of the board unless at the person
16 has appeared as a party at the hearing before the board. An appeal under this section shall
17 be taken within thirty days of the date of the decision appealed and shall be the exclusive
18 remedy of the aggrieved party from that decision.
19

20 **Section 17.52.010 Shopping centers--Existing structures.**

21
22 A. A shopping center in excess of five thousand square feet in B1, B1-A, B2 and B3 zoning
23 districts shall be equipped with wheelchair curbcuts or ramps, an appropriate number of
24 parking spaces designated for the disabled if more than twenty-five public parking spaces
25 are provided by the shopping center for the general public, and, if public toilet facilities are
26 provided by the shopping center, at least one toilet shall be accessible to persons in
27 wheelchairs. Where fences, poles or other barriers with an opening of less than thirty
28 inches have been erected to keep shopping carts from being removed from the premises
29 or for other purposes, provisions shall be made for independent entry by disabled persons.
30

31 B. The standards and design for curbcuts or ramps, parking spaces, toilet facilities and
32 means of independent entry past barriers for the disabled shall be as provided by the
33 department of ~~public works~~ neighborhood and environmental programs as amended from
34 time to time.
35

36 C. Shopping centers providing twenty-five to fifty public parking spaces shall designate at
37 least one appropriately marked space for use by the disabled. Where over fifty parking
38 spaces are provided, at least two spaces shall be designated appropriately for use by the
39 disabled.
40

41 **Section 17.52.020 Shopping centers--New construction.**

42

1 A. Construction plans approved by the director of ~~public works~~ **neighborhood and**
2 **environmental programs** for a shopping center in B1, B1-A, B2 and B3 zoning district shall
3 provide those facilities as outlined in Section 17.52.010. In addition, if water fountains and
4 telephones are provided for the public an adequate number shall be accessible to persons
5 in wheelchairs; aisles, including at least one check-out aisle, shall be designed for use by
6 persons in wheelchairs; and, if shopping levels or offices are located on more than one
7 level each level shall be accessible by means of a public elevator.

8
9 B. The standards, design and adequacy of provisions to make shopping centers accessible
10 to the disabled contained in this section shall be determined and provided by the
11 department of ~~public works~~ **neighborhood and environmental programs**.

12
13 **Section 17.52.030 Enforcement--Violation--Penalties.**

14
15 A. The administration and enforcement of this chapter shall be the responsibility of the
16 department of neighborhood and environmental programs.

17
18 B. In case of a violation of this chapter, the director of neighborhood and environmental
19 programs may issue an order requiring the developer or owner of the property to stop work
20 or to take specified corrective measures to comply with the requirements of this chapter.
21 If a developer or owner violates a stop work or corrective measures order issued pursuant
22 to this subsection, the director may revoke any permit relating to the work issued by the city
23 or any of its departments.

24
25 C. In addition to other penalties provided in this section, a person who violates any
26 provision of this chapter is guilty of a municipal infraction and is subject to a fine of five
27 hundred dollars for any single, initial violation and a fine of five hundred dollars for each
28 repeat or continuing violation. The failure of a developer or owner to comply with a
29 correction measures order or a stop work order issued by the director constitutes a single
30 violation for each day that noncompliance continues.

31

Section 17.52.040 Violations -- Appeals

A. A person aggrieved by an order from the director issues pursuant to this chapter, other than the issuance of a municipal citation, may appeal to the building board of appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the department of neighborhood and environmental programs along with a nonrefundable fee in an amount established by the city council. Any right to appeal shall be waived if waived if not timely filed.

B. The building board of appeals shall consider the appeal based upon the information provided to the department of neighborhood and environmental programs at the time of the order from which the appeal is taking. If the board finds that the order was in error or contrary and to the provisions of the city code or other applicable law, the board may reverse or modify the order. The decision of the board on all appeals shall be in writing and shall contain the factual findings of the board and the reasons for the decision.

C. A person aggrieved by a decision of the building board of appeals made pursuant to this section may appeal that decision to the Circuit Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 (or its successor). For purposes of this subsection, a person shall not be considered aggrieved by a decision of the board unless the person has appeared as a party at the hearing before the board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

Section 17.52.050 Applicability

The requirements of this chapter are in addition to and not in lieu of those imposed by any applicable federal or state law, including but not limited to the Americans with Disabilities Act 42 USC 126 (or its successors). Where this section and any other such law apply to a specific circumstance, the more restrictive law shall control.

Section 17.60.010 Permit--Required.

A. No permanent commercial sign, billboard or advertising structure or device shall be erected or installed unless a sign permit has been issued by the director of ~~public works~~ **neighborhood and environmental programs** or his or her designee. Temporary signs and banners are prohibited except as ~~noted~~ **provided** under Section 17.60.060.

B. After January 1, 1986, the requirements of subsection A of this section apply to a sign erected or installed in the interior of a structure located in the historic district of the city, as defined in Section 21.62.030 of this code, if the sign is situated in a manner to indicate that its prime purpose is for viewing from the exterior of the structure. The prime purpose of an

1 interior sign is exterior viewing if it is visible from the exterior and if no public access is
2 permitted between the sign and the exterior window of the structure. However, signs
3 erected or installed in the interior of a structure which form an integral part of a bona fide
4 window display which is related to merchandise or services available within the structure
5 or which is related to matters of public welfare or public interest are not interior signs
6 subject to the requirements of this subsection A of this section.
7

8 **Section 17.60.070 Location generally.**
9

10 A. No signs shall be supported from the sidewalk or from a point outside of the sidewalk.
11 Signs may be carried upon or suspended from the front of a building, but no sign projecting
12 into the street or alley shall be placed within ten feet of the sidewalk or extended more than
13 two feet beyond the building; except, electric signs shall be permitted to extend beyond the
14 building line to any distance not beyond the curb upon the approval of the city council.
15

16 B. Sidewalks shall be regarded as pedestrian rights-of-way. Permanent signage that the
17 director of ~~public works~~ **neighborhood and environmental programs** or his or her designee
18 determines must be placed in or near a sidewalk shall be sited only after a consideration
19 of the following guidelines:

- 20 1. No sign shall be placed in such a way as to interfere with or reduce a forty-inch
21 pedestrian right-of-way;
- 22 2. Where a grass area exists between the curb and sidewalk, signs shall be placed in the
23 grass area;
- 24 3. When no grass area between the curb and sidewalk exists, signs shall be placed in any
25 public right-of-way or easement on the far side of the sidewalk;
- 26 4. In any one block, the placement of signs curbside or far curbside shall be consistent;
- 27 5. The bottom edge of the sign shall be seven feet from the ground with the exception of
28 pedestrian directional signs which do not exceed the width of the post which may be posted
29 at five and one-half feet;
- 30 6. As many as three signs of twelve inches in width or greater may be clustered on one
31 pole;
- 32 7. In any one block, the placement of signs on poles not governed by State Highway
33 Administration guidelines shall be grouped in a forty-foot area;
- 34 8. No more than one "No Parking" sign shall be placed on each side of the street in any one
35 block or within a distance of five hundred feet, whichever is less.
36

37 **Section 17.60.090 Support--Engineering.**
38

39 Every sign shall be supported substantially including foundation and footing. The
40 construction and hanging of the sign shall be in accordance with the best engineering
41 principles and subject to structural requirements of the director of ~~public works~~
42 **neighborhood and environmental programs** or his or her designee.

Section 17.60.120 Electric roof signs.

Electric signs on roofs within the property line shall be subject in every respect to this chapter and shall meet the requirements of the best structural and safety standards, as required by the director of public works neighborhood and environmental programs or his or her designee.

Section 17.60.140 Violations--Notice to correct.

The director of the department of public works neighborhood and environmental programs or his or her designee shall investigate any complaint of a violation of Sections 17.60.010 through 17.60.040 and 17.60.070, 17.60.090 through 17.60.130. Upon a finding that a violation exists, the director shall provide reasonable notice by mail, by personal delivery, by posting on the sign itself, or by a combination of these means, to the owner, tenant or agent having charge of the property on which the sign is situated. The notice shall specify:

A. The action to be taken to correct the violation;

B. That the action must be undertaken and completed within a reasonable period as established by the director;

C. That failure to comply may result in the corrective action being taken by the department of public works neighborhood and environmental programs;

D. That the department's expenses for taking the action and, if necessary, for storing and disposing of the sign, are the responsibility of the owner of the property; and

E. That the expenses will constitute a lien upon the property to be collected in the same manner as real property taxes.

Section 17.60.160 150 Violations -- City correction.

A. If the violation is not corrected fully within the period specified by the director, the director or his or her designee may enter in or upon the premises to undertake corrective action. When that action involves removal of a sign, the director or his or her designee shall store the sign for a period not to exceed sixty days. If, after reasonable notification to the owner of the property that the sign is being stored at the owner's expense, the owner has not redeemed the sign, the director or his or her designee may order its disposal. In order to redeem a sign, the costs of any work performed by the public works neighborhood and environmental programs department, all storage charges, and any other related charges shall be paid by the owner.

1 B. The expenses incurred by the department of ~~public works~~ **neighborhood and**
2 **environmental programs** for bringing a sign into compliance, for storage, for disposition and
3 for any other related expenses shall be the responsibility of the owner of the property on
4 which the sign was situated. When the director or his or her designee has certified the
5 expenses to the director of finance, they shall constitute a lien upon the property. The
6 director of finance shall add the amount certified to the property tax bill for the ensuing year
7 and shall collect the amount in the same manner as real property taxes.

8
9 **Section 17.60.145 160 Violations--Penalty.**

10
11 A person who violates this chapter is guilty of a municipal infraction and is subject to a fine
12 of one hundred dollars for any single, initial violation and a fine of two hundred dollars for
13 each repeat or continuing violation. **The failure of a property owner or tenant to comply with**
14 **a violation correction order issued by the director constitutes a single violation for each day**
15 **that noncompliance continues.**

16
17 **Section 17.60.150 170 Violations --Appeal.**

18
19 ~~A person aggrieved by the action of the director or his or her designee with regard to a~~
20 ~~complaint may appeal to the building board of appeals. An appeal shall be in writing, shall~~
21 ~~specify the grounds for the appeal and shall be filed within fifteen days from the date of~~
22 ~~the director or his or her designee's decision.~~

23
24 **A. A person aggrieved by an order from the director issues pursuant to this chapter, other**
25 **than the issuance of a municipal citation, may appeal to the building board of appeals within**
26 **fifteen calendar days of the date of the order. The petition for appeal shall be in writing**
27 **stating the grounds for appeal and shall be filed with the department of neighborhood and**
28 **environmental programs along with a nonrefundable fee in an amount established by the**
29 **city council. Any right to appeal shall be waived if waived if not timely filed.**

30
31 **B. The building board of appeals shall consider the appeal based upon the information**
32 **provided to the department of neighborhood and environmental programs at the time of the**
33 **order from which the appeal is taking. If the board finds that the order was in error or**
34 **contrary and to the provisions of the city code or other applicable law, the board may**
35 **reverse or modify the order. The decision of the board on all appeals shall be in writing and**
36 **shall contain the factual findings of the board and the reasons for the decision.**

37
38 **C. A person aggrieved by a decision of the building board of appeals made pursuant to this**
39 **section may appeal that decision to the Circuit Court for Anne Arundel County pursuant to**
40 **Maryland Rule Title 7, Chapter 200 (or its successor). For purposes of this subsection, a**
41 **person shall not be considered aggrieved by a decision of the board unless the person has**
42 **appeared as a party at the hearing before the board. An appeal under this section shall be**

1 taken within thirty days of the date of the decision appealed and shall be the exclusive
2 remedy of the aggrieved party from that decision.
3

4 **Section 17.60.170 180 Remedies supplemental.**
5

6 The remedies enforcement powers set forth in Sections 17.60.140, 17.60.150 and
7 17.60.160 are in addition to any other remedy available for enforcement of this chapter.
8

9 **Section 18.04.010 Applicability of chapter Lease Agreements -- Required Terms.**
10

11 A. Subject to any public general state laws to the contrary, including, but not limited, to the
12 real property article of the Annotated Code of Maryland, this chapter shall regulate and
13 determine legal rights, remedies and obligations of the parties and beneficiaries of any
14 rental agreement, concerning any dwelling unit for which an operating license is required
15 under Section 17.44.010 of this code. Any written rental agreement shall be unenforceable
16 under this chapter in the city of Annapolis insofar as any provisions thereof conflict with any
17 provision of this chapter. Such unenforceability shall not affect other provisions of the
18 agreement which can be given effect without such unenforceable provision.
19

20 B. All leases or agreements for the occupancy of a dwelling unit for which an operating
21 license is required under Section 17.44.010 of this code shall be offered, in written form,
22 for a minimum initial term of one year to be accepted at the prospective tenant's option,
23 unless a reasonable cause exists for offering an initial term of less than one year.
24

25 1. For purposes of this subsection, reasonable cause shall mean those situations which
26 would create undue hardships or expense for a landlord to enter into a one-year lease.
27 Such situations may include, but not be limited to, the sale of a dwelling unit with settlement
28 to occur within a one-year period, a bona fide contract to sell within a one-year period or
29 a planned conversion to condominium or cooperative within a one-year period.
30

31 2. The landlord shall include the following statement on all lease agreements insuring that
32 it is properly initialed by the prospective tenant and, if an addendum to a written lease, that
33 it is signed and dated by the parties:

34 The law of the city of Annapolis requires landlords, unless there is reasonable cause
35 otherwise, to offer all prospective tenants lease agreements for initial terms of one year.
36 Such an offer may be accepted at the option of the prospective tenant. Prior to entering this
37 lease, the tenant hereby acknowledges that (initial and date one option below):
38

39 A. I was offered and accepted a one-year lease term by the landlord.
40

41 B. I was offered but rejected a one-year lease term by the landlord.

1 C. I received a copy of a written statement in which the landlord asserts and explains a
2 reasonable cause for failing to offer me a one-year initial lease term and was advised of my
3 rights to challenge such statement by filing a complaint with the Department of public works
4 neighborhood and environmental programs.

5
6 3. Providers of temporary and emergency shelters, including those shelters managed by
7 religious organizations, are specifically exempt from the operation of this chapter.

8
9 **Section 18.04.020 Administration and Enforcement.**

10
11 The administration and enforcement of this chapter shall be the responsibility of the
12 department of neighborhood and environmental programs by accepting complaints filed
13 pursuant to section 18.04.010.

14
15 **CHAPTER ~~18.20~~ 18.08 ESSENTIAL SERVICES**

16
17 **Section 18.20 08 .010 Service and facilities essential to health and safety.**

18
19 A. All residentially leased buildings or dwelling units shall be maintained, by the landlord,
20 in full compliance with the residential housing standards as enumerated in Chapter 17.40
21 of this code.

22
23 B. If, after actual notice to the landlord by the tenant, the landlord fails to take reasonable
24 steps to supply or repair facilities and to restore services required under subsection A of
25 this section, within a reasonable time, not exceeding forty-eight hours, the tenant may:

26
27 1. Bring an action to recover actual damages resulting from the landlord's violation of this
28 section and, if the landlord has wilfully violated this section, to recover treble damages;

29
30 2. Cite this section as a defense in an action by the landlord for unpaid rent;

31
32 3. File a verified petition in the district court stating the nature of the essential service or
33 facility lacking, the date of its interruption, that the landlord has notice of the lack of service
34 or facility, and that the landlord has failed to take reasonable steps to restore or provide
35 such service or repair such facility and asking the court to immediately order the landlord
36 to show cause why the landlord should not be ordered to correct immediately the alleged
37 violation of this section;

38
39 4. Recover costs and attorney's fees in any action under this section.

40
41 C. 1. A hearing shall be scheduled at the next available court date after service of a show
42 cause order under subsection B3 of this section on the landlord.

2. For purposes of this section, service of the show cause order on any person or entity authorized to accept rent on behalf of a landlord or authorized to accept service of housing or health code violation notices, shall constitute service on the landlord.

D. Subsections A through C of this section do not apply to:

1. An interruption or lack of service that is caused by a deliberate or negligent action by the tenant, a member of the tenant's family, or a person who is on the leased premises with the consent of the tenant;

2. An interruption or lack of service that is caused by the failure of the tenant to pay the utility bill for that service, if, under the terms of the rental agreement, the bill is the responsibility of the tenant; or

3. The interruption of service by the landlord, after notice to the tenant, for a reasonable period of time necessary for the purpose of making repairs or performing required maintenance.

E. This section does not preclude or limit any other rights, obligations, and remedies otherwise authorized by the applicable law and may not be waived by agreement of the parties.

Title 19 ENVIRONMENT (reserved)

~~Chapter 19.04 ENVIRONMENTAL COMMISSION~~

~~Section 2.48.319A Article IX Transportation Board~~

~~Section 2.48.329A Article X. Environmental Commission~~

~~Section 19.04.010 2.48.330 Established.~~

~~There is a commission known as the environmental commission.~~

~~Section 19.04.020 2.48.340 Purposes.~~

~~The general purposes of the commission are the conservation and improvement of the natural and health and welfare qualities of the environment, the land, waters, noise and air of the city and environs.~~

~~Section 19.04.030 2.48.350 Membership.~~

1 ~~A. The commission shall consist of nine members, residents of the city. They shall be~~
2 ~~appointed by the mayor and confirmed by a majority vote of the city council. Each member~~
3 ~~of the commission shall serve for a term of three years or until a successor is appointed~~
4 ~~and duly qualifies, commencing on July 1st of the year in which appointed. The city council~~
5 ~~shall designate the terms of the members of the commission so that the terms of not more~~
6 ~~than three members of the board expire in any one year.~~

7 ~~B. Each member shall have demonstrated a sincere interest in protection and improvement~~
8 ~~of the environment. Each member shall serve without compensation. In the event of a~~
9 ~~vacancy in an unexpired term on the commission a member shall be appointed in the same~~
10 ~~manner as the original appointment was made for the duration of the unexpired term.~~

11 ~~-~~
12 ~~Section 19.04.040 2.48.360 Offices--Rules of procedure:~~

13
14 ~~The commission shall elect a chairman from its membership. The commission shall adopt~~
15 ~~rules of procedure deemed necessary in discharging its duties.~~

16
17 ~~Section 19.04.050 2.48.370 Powers and duties generally:~~

18
19 ~~A. The commission shall be concerned with the protection and improvement of the~~
20 ~~environmental quality of the city and environs. It shall study the pollution of the land, air and~~
21 ~~waters and the noise in the city and environs, and the recycling or the reuse of solid~~
22 ~~wastes. It shall have other and further duties and powers as may from time to time be~~
23 ~~conferred upon it.~~

24 ~~B. The commission shall make recommendations from time to time, to the city council and~~
25 ~~others, as outlined in Section 19.04.090 2.48.410, after pinpointing specific problems which~~
26 ~~need solutions, determining the source of these problems, collecting information about~~
27 ~~solutions to these problems, educating the public (and individuals or organizations who are~~
28 ~~the source of particular problems) concerning their relations to the problems and their~~
29 ~~relation to the solutions.~~

30 ~~C. The commission shall review and comment in a timely manner on all matters submitted~~
31 ~~to it under Section 19.04.090 2.48.410.~~

32 ~~D. The commission shall prepare an annual report of its activities and its recommendations~~
33 ~~for the next year.~~

34 ~~E. The commission shall make recommendations to, consult with and prepare reports for~~
35 ~~the director of neighborhood and environmental programs as requested by the direction~~
36 ~~from time to time.~~

37 ~~F. The commission shall have other and further duties and powers as may from time to~~
38 ~~time be conferred upon it.~~

39
40 ~~Section 19.04.060 2.48.380 Liaison with other groups and agencies.~~
41

1 In fulfillment of the duties and obligations of improving the environmental quality of the city
2 and environs, the commission shall work closely with appropriate municipal, county, state
3 and federal agencies; and it shall initiate and maintain cooperation with the United States
4 Naval Academy, volunteer environmental groups, health associations, civic clubs, youth
5 groups and other interested organizations.

6
7 Section 19.04.070 2.48.390 Meetings.

8
9 A. The commission shall meet at least once each month.

10 B. All meetings of the commission shall be open to the public. Any person, or a person's
11 authorized representative, may appear and be heard on any matter, scheduled or
12 unscheduled, affecting the environment.

13 C. A record, or minutes, shall be kept by the commission of its proceedings. The record
14 shall be open for public viewing.

15 D. Five appointed members constitute a quorum. A vote of the majority present is
16 necessary for a decision.

17
18 Section 19.04.080 2.48.400 Boards and commissions--Cooperation of:

19
20 It is the intent of this chapter article that all agencies, boards, commissions and public
21 officers of the city aid and cooperate with the commission to the fullest extent possible, so
22 that the purposes of the commission may be carried out.

23
24 Section 19.04.090 2.48.410 Boards and commissions--Agenda review--Recommendations:

25
26 The agendas of the planning commission, the port wardens and the historic district com-
27 mission shall be forwarded in advance to the environmental commission. The
28 environmental commission shall review these agendas for matters that may have an impact
29 on the environment, may make a determination as to the advisability of the environmental
30 commission reviewing and commenting on particular matters of import. If the commission
31 determines that environmental review and comment should be made, the following
32 procedures shall be followed:

33 A. Written comments shall be submitted and made part of the record by the commission
34 or committee hearing the matter; or

35 B. If time does not permit a timely filing, the commission shall submit a written notice of
36 intent to file an environmental report for consideration of the commission hearing the
37 matter.

38
39 **Section 20.08.030 Administrative exemption.**

40
41 Upon proper finding that Sections 20.20.010 and 20.20.020 of Chapter 20.20 and Sections
42 20.24.010 through 20.24.150 of Chapter 20.24 have been complied with in all respects and

1 where public water and sewer are available, the planning and zoning director, with the
2 concurrence of the director of public works and the director of neighborhood and
3 environmental programs, may exempt the following three types of subdivisions from the
4 requirements of this chapter:

5
6 A. The division of any tract of land that is in one individual ownership into five lots or less,
7 provided no street right-of-way dedications are involved, no utility or drainage easements
8 are found necessary and no new or residual parcels are created which do not conform to
9 the requirements of this title;

10
11 B. The combination or recombination of portions of previously platted and recorded lots
12 where the total number of lots is not increased and all lots or residual parcels thus created
13 conform to the requirements of Sections 20.24.010 through 20.24.150 of Chapter 20.24;

14
15 C. When contiguous properties are to be divided for the purpose of exchanging or trading
16 parcels of land. In these cases, the director of planning and zoning, with the concurrence
17 of the director of public works and the director of neighborhood and environmental
18 programs, also may waive the requirements of Sections 20.20.010 and 20.20.020 of
19 Chapter 20.20 and Sections 20.24.010 through 20.24.150 of Chapter 20.24, provided that
20 a statement is made on the face of the plat which describes the proposed transaction and
21 which certifies that any parcels thus created are not created as individual building lots.

22
23 **Section 20.08.040 Conditional approval of preliminary plat.**

24
25 A. On reaching conclusions informally, as recommended in Section 20.08.020, regarding
26 the developer's general program and objectives, the subdivider shall cause to be prepared
27 a preliminary plat, together with improvement plans and other supplementary material as
28 specified in Chapter 20.12.

29
30 B. A minimum of six copies of the preliminary plat and supplementary material specified
31 shall be submitted to the planning commission on white paper with written application on
32 standard submittal form for conditional approval at least twenty-one days prior to the
33 meeting at which it is to be considered. The planning commission shall consult with the
34 director of public works and the director of neighborhood and environmental programs in
35 reviewing the preliminary plat and may request that the director submit a recommendation
36 for approval or disapproval, stating the director's reasons for the recommendation.

37
38 C. Following (1) review of the preliminary plat and other material submitted for conformity
39 of the plat to these regulations and (2) negotiations with the subdivider on changes deemed
40 advisable and the kind and extent of improvements to be made by the subdivider, the
41 planning commission shall express its approval as conditional approval and state the
42 conditions of the approval, if any, or if disapproval, shall express its disapproval and its

1 reasons for the disapproval. Conditional approval or disapproval by the planning
2 commission shall be forwarded by the planning and zoning director to the director of public
3 works and the director of neighborhood and environmental programs.
4

5 D. Conditional approval of a preliminary plat does not constitute approval of the final plat
6 (record plat). Rather it shall be deemed an expression of approval to the layout submitted
7 on the preliminary plat as a guide to the preparation of the final plat.
8

9 **Section 20.12.040 Supporting data.**

10
11 Topographic and other data required as a basis for the preliminary plat, in Section
12 20.12.050, shall include existing conditions as follows, except when otherwise specified by
13 the planning and zoning commission:
14

15 A. Boundary lines: bearings and distances;
16

17 B. Easements: location, width and purpose;
18

19 C. Streets on and adjacent to the tract: name and right-of-way width and location; type,
20 width and elevation of surfacing; any legally established centerline elevations; walks,
21 curves, gutters, culverts, etc.;
22

23 D. Utilities on and adjacent to the tract: location, size and invert elevation of sanitary and
24 storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric
25 and telephone poles, and street lights; if water mains and sewers are not on or adjacent
26 to the tract, indicate the direction and distance to, and size of nearest ones, showing invert
27 elevation of sewers;
28

29 E. Ground elevations on the tract (all elevations will refer to city datum): for land that slopes
30 less than approximately two percent, spot elevations at all breaks in grade, along all
31 drainage channels or swales, and at selected points not more than one hundred feet apart
32 in all directions; for land that slopes more than approximately two percent, either contours
33 with an interval of not more than five feet if ground slope is regular and such information
34 as sufficient for planning purposes or show contours with an interval or not more than two
35 feet if necessary because of irregular land or need for more detailed data for preparing
36 plans and construction drawings;
37

38 F. Subsurface conditions on the tract, if required by the planning and zoning commission:
39 location and results of tests conducted under the supervision of the Anne Arundel County
40 health officer to ascertain subsurface soil, rock and groundwater conditions; depth to
41 groundwater unless test pits are dry at a depth of five feet; location and results of soil
42 percolation tests if individual sewage disposal systems are proposed;

1 G. Other conditions on the tract: watercourses, marshes, rock outcrop, wooded areas, trees
2 measuring in excess of five inches in caliper, houses, barns, shacks and other significant
3 features;

4
5 H. Other conditions on at least one hundred feet of adjacent land or such area as may be
6 designated by the planning and zoning commission: approximate direction and gradient of
7 ground slope, including embankments or retaining walls; character and location of
8 buildings, power lines, towers, and other nearby nonresidential land uses or adverse
9 influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision
10 plat by name, recordation date, and number, and approximate percentage of buildup,
11 typical lot size and dwelling type;

12
13 I. Photograph, if required by the planning and zoning commission: camera locations,
14 directions of views and key numbers;

15
16 J. Zoning on and adjacent to the tract;

17
18 K. Proposed public improvements: highways or other major improvements planned by
19 public authorities for future construction on or near the tract;

20
21 L. Key plan showing location of the tract;

22
23 M. Title: present title reference and name of proposed subdivision or tract development;
24 name and addresses of owners, acreage, scale, north arrow, datum, bench marks, name
25 of registered civil engineer or surveyor, date of survey.

26
27 **Section 20.16.060 Health officer approval.**

28
29 A certificate of approval from the **Anne Arundel County** health officer is necessary for all
30 subdivisions or land developments before final approval by the planning commission and
31 the Anne Arundel County health officer approval shall be shown on the record plat.

32
33 **Section 20.20.010 Required improvements.**

34
35 Approval of a plat shall be subject to the following improvements being constructed to the
36 satisfaction of the director of public works prior to the sale of any platted lot or the erection
37 of a building on a lot unless bond is furnished according to Section 20.20.020:

38
39 A. Streets. The method of street construction shall be subject to the requirements of the
40 director. All street surfaces shall be warranted for a one-year period after completion and
41 acceptance by the city, and any deterioration during that period from the original condition
42 when deeded to the city shall be repaired by the owner who transferred title in the streets.

1 All street rights-of-way in subdivisions having final plat approval pursuant to this title after
2 August 15, 1995 shall be dedicated to, owned and maintained by the City of Annapolis,
3 except that a community association, upon approval by the city council with the advice of
4 the planning commission and the director of public works, may privatize and assume
5 responsibility and liability for roads within the boundaries of the community consistent with
6 all requirements by Maryland Real Property Article Title II and shall be constructed in a
7 manner that shall conform to the standards for public streets as determined by the director
8 of public works.
9

10 B. Culverts, Storm Drains, and Drainage Structures--Erosion Control. Culverts, storm
11 drains and drainage structures shall be constructed in, under or along streets and alleys,
12 and bulkheads, groins or other erosion control features along streams, rivers and other
13 watercourses and their embankments, as required by the director to prevent frequent and
14 probable damage from stormwater, or to prevent frequent occurrence of a flow of
15 stormwater on streets as to present a hazardous condition for moving vehicles and
16 pedestrians, to maintain the flow of stormwater in its natural channels or to protect the
17 shoreline from erosion. "Frequent," as used in this section, is intended to designate a
18 probable frequency of not less than once in ten years when averaged over a long period.
19 Protection against erosion of natural channels or watercourses on adjoining property and
20 adequate shore erosion control is required.
21

22 C. Street Signs. Street signs shall be erected at all corners, denoting the name of the
23 street. The type of sign shall be subject to the requirements of the director and generally
24 in accord with current city standards.
25

26 D. Water and Sewer Mains. The installation of water and sewer mains shall be subject to
27 the regulations of the city council, the director and the **Anne Arundel County** health officer.
28

29 **Section 20.24.150 Public sites and open spaces.**
30

31 A. Where a proposed park, playground, school or other public use shown in the
32 comprehensive master plan is located in whole or in part in a subdivision, the planning
33 commission may require the reservation of an area for the use within the subdivision in
34 those cases which the commission deems the requirements to be reasonable.
35

36 B. Where deemed essential upon consideration of the particular type of development
37 proposed in the subdivision, and especially in large scale neighborhood unit developments,
38 the planning commission may require the reservation of other areas or sites of a character,
39 extent and location suitable to the needs created by the development for schools, parks
40 and other neighborhood purposes.
41

1 C. The planning commission shall consider any recommendation made by the director of
2 neighborhood and environmental programs and the director of public works when imposing
3 any requirement under this section.
4

5 **Section 20.24.160 Environmental planting screens.**
6

7 A. An environmental planting screen shall be provided on the rear of any double frontage
8 lot and on any side yard abutting a public right-of-way. The planting screen shall consist
9 of a minimum area of at least twenty feet wide along that portion of any rear yard abutting
10 rights-of-way sixty feet in width or greater, and of a minimum area of at least fifteen feet
11 wide along that portion of any rear abutting rights-of-way of less than sixty feet in width.
12 The planting screen along any side yard shall consist of a minimum area equal to eighty
13 percent of the required side yard for corner lots in the zoning district in which the property
14 is located. No right of access shall be permitted across any required environmental planting
15 screen, except as provided and approved by the department of public works **neighborhood**
16 **and environmental programs**.
17

18 B. Any required environmental planting screen shall be designed, planted and maintained
19 in accordance with a landscaping plan approved by the director of planning and zoning.
20 The director of planning and zoning may consult with the department of neighborhood and
21 environmental programs in reviewing any proposed landscaping plan. The landscaping plan
22 shall satisfy the following standards:
23

24 1. The planting screen shall buffer effectively occupants of the lot from possible adverse
25 effects of the adjoining roadway and its users;
26

27 2. The planting screen visually shall screen users of any structure on the lot from the
28 adjoining roadway;
29

30 3. The planting screen may be comprised of previously existing vegetation, new plantings,
31 or any combination of existing vegetation and new plantings; provided that, when complete,
32 the screen shall provide a dense year-round screen satisfying the standards set out in this
33 section;
34

35 4. The planting screen may consist of a mixture of deciduous and evergreen trees and/or
36 shrubs or a planting of evergreen trees and/or shrubs;
37

38 5. The planting screen shall be subject to on-site inspection by the department of planning
39 and zoning **and the department of neighborhood and environmental programs either of**
40 which, if necessary, may prescribe that additional plantings be made to satisfy the
41 standards listed in this subsection.
42

1 C. The developer shall grant an easement for required environmental planting screens to
2 the city and all property owners in the subdivision. The easement shall require the owner
3 of a lot to maintain the environmental planting screen in accordance with the approved
4 landscaping plan and any instructions for additional plantings required by the department
5 of planning and zoning or the department of neighborhood and environmental programs.
6

7 **Section 21.06.150 Obstruction of watercourse channels.**
8

9 A. To prevent encroachment upon, or constriction of, river or creek channels, and thus
10 avoid obstruction to the natural conveyance of water flow in the rivers, creeks and other
11 natural watercourses, there shall not be placed, erected or located within the banks of the
12 watercourses any building or structure, pier or marina or retaining or revetment wall, except
13 authorized bridges or dams. In addition, there shall not be placed any filling of earth, ashes,
14 rubbish, rubble, concrete, masonry or any other kind of fill.
15

16 B. This section may be waived if the structure or fill is approved by the director of public
17 works, and the city council, and the U.S. Corps of Engineers, port warden and other public
18 bodies, where applicable.
19

20 **Section 21.50.025 Permitted uses subject to standards**
21

22 .
23 The uses specified in this section are permitted in the C1 district, subject to compliance with
24 the requirements in Section 21.04.090 and the standards indicated.

25 A. The following uses are permitted subject to the standards enumerated in subsection (B)
26 of this section.
27

28 1. Bed and breakfast homes.
29

30 B. Uses listed in subsection (A) of this section shall comply with the following standards:
31

32 1. The individual recorded owner of the property shall be the operator of the bed and
33 breakfast and reside on the premises. No resident managers shall be allowed to operate
34 a bed and breakfast.
35

36 2. The number of guests cannot exceed the maximum allowed by the life safety code.
37

38 3. There shall be only one kitchen within the entire dwelling unit. No cooking facilities shall
39 be permitted in guest rooms.
40

41 4. Bed and breakfast homes shall not have a separate apartment within the entire dwelling
42 or on the subject property such as a carriage house, garage, etc.

1 5. Bed and breakfast homes shall have interior stairs to serve all habitable living spaces
2 within the entire dwelling including basements and attics, with the exception of any bed and
3 breakfast homes holding a valid, current license issued by the city pursuant to **city code**,
4 Chapter 17.44 as of June 20, 1994.

5
6 6. Bed and breakfast homes without off-street parking are required to purchase city garage
7 parking passes which are to be offered to each guest upon registration.

8
9 7. A rental license shall be obtained from the department of ~~public works~~ **neighborhood and**
10 **environmental programs**.

11
12 8. The resident owner shall keep a current guest register including names, addresses, and
13 dates of occupancy of all guests available for inspection by the licensing agency.

14
15 9. The use shall be subject to all applicable city code regulations including but not limited
16 to building, fire and health regulations.

17
18 10. For each side of a block between two intersecting streets there shall be no more than
19 two bed and breakfast homes and no two bed and breakfast homes shall be located on
20 adjacent properties with the exception of bed and breakfast homes holding a valid, current
21 license issued by the city pursuant to **city code**, Chapter 17.44 as of June 20, 1994.

22
23 11. No bed and breakfast homes shall be located in an attached dwelling with the exception
24 of bed and breakfast homes holding a valid, current license issued by the city pursuant to
25 **city code**, Chapter 17.44 as of June 20, 1994.

26
27 12. In the case of a license for a bed and breakfast holding a valid, current license issued
28 by the city pursuant to **city code**, Chapter 17.44 as of June 20, 1994 nothing in these
29 regulations shall preclude the renewal or transfer of that license.

30
31 **Section 21.51.020 Enforcement--Monitoring.**

32
33 In the C1A special conservation residence district all new construction including alterations
34 and enlargements to existing structures will be reviewed by the department of planning and
35 zoning for compliance with this chapter and with **city code**, Chapters 21.62 (if applicable)
36 and 21.98. For the purposes of this chapter, "alteration" refers to any change to the exterior
37 of a structure. "Enlargements" are changes made to increase the bulk of a structure.

38
39 To ensure that the objections of this chapter as stated in Section 21.51.010 are being met,
40 the departments of public works and planning and zoning shall:

41

1 A. Develop an inventory of the use and condition of all buildings and of the condition of the
2 public infrastructure for all land with the C1A district within six months of June 20, 1994;

3
4 B. Develop a public facilities improvement program with capital budget within twelve
5 months of June 20, 1994;

6
7 C. Provide a public annual status review of each district;

8 D. Implement subsections (A) to (C) above for the purposes of meeting the objectives of
9 this chapter.

10
11 **Section 21.51.050 Permitted uses subject to standards.**

12
13 The uses specified in this section are permitted in the C1A district, subject to compliance
14 with the standards indicated.

15
16 A. The following uses are permitted subject to the standards enumerated in subsection (B)
17 of this section:

18 1. Bed and breakfast homes;

19 2. Inns.

20
21
22 B. Uses listed in subsection (A) of this section shall comply with the following standards:

23 1. The individual recorded owner of the property shall be the operator of the bed and
24 breakfast and reside on the premises. No resident manager shall be allowed to operate a
25 bed and breakfast.

26
27 2. The number of guests cannot exceed the maximum allowed by the life safety code.

28
29 3. There shall be only one kitchen within the entire dwelling unit. No cooking facilities shall
30 be permitted in guest rooms.

31
32 4. Bed and breakfast homes shall not have a separate apartment within the entire dwelling
33 or on the subject property such as a carriage house, garage, etc.

34
35 5. Bed and breakfast homes shall have interior stairs to serve all habitable living spaces
36 within the entire dwelling including basements and attics, with the exception of any bed and
37 breakfast homes holding a valid, current license issued by the city pursuant to city code,
38 Chapter 17.44 as of June 20, 1994.
39
40
41

1 6. Bed and breakfast homes without off-street parking are required to purchase city garage
2 parking passes which are to be offered to each guest upon registration.

3
4 7. A rental license shall be obtained from the department of ~~public works~~ **neighborhood and**
5 **environmental programs**.

6
7 8. The resident owner shall keep a current guest register including names, addresses, and
8 dates of occupancy of all guests available for inspection by the licensing agency.

9
10 9. The use shall be subject to all applicable city code regulations including but not limited
11 to building, fire and health regulations.

12
13 10. For each side of a block between two intersecting streets there shall be no more than
14 two bed and breakfast homes and no two bed and breakfast homes shall be located on
15 adjacent properties with the exception of bed and breakfast homes holding a valid, current
16 license issued by the city pursuant to **city code**, Chapter 17.44 as of June 20, 1994.

17
18 11. No bed and breakfast homes shall be located in an attached dwelling with the exception
19 of bed and breakfast homes holding a valid, current license issued by the city pursuant to
20 **city code**, Chapter 17.44 as of June 20, 1994.

21
22 12. In the case of a license for a bed and breakfast holding a valid, current license issued
23 by the city pursuant to **city code**, Chapter 17.44 as of June 20, 1994 nothing in these
24 regulations shall preclude the renewal or transfer of that license.

25
26 **Section 21.52.070 Signs.**

27
28 Nonflashing business signs are permitted, subject to the following conditions:

29
30 A. Area. The gross area in square feet of all signs on a zoning lot shall not exceed one
31 (frontage multiplier) times the lineal feet of the designated front yard of the zoning lot.
32 Where more than two signs are provided, the allowable gross area for all signs shall be
33 determined by the following formula:

34
35
$$A = FM (.80 N)$$

36
37 Where:

38
39 A = Allowable gross area of signage

40
41 F = Lineal feet of frontage of the designated front yard
42

1 M = Frontage multiplier

2
3 N = The number of signs to be provided less two

4
5 All signs greater than fifty square feet in size are required to undergo review by the
6 department of public works as outlined in Chapter 17.60 and are subject to other
7 requirements of that chapter. All signs shall comply to the regulations outlined in Sections
8 21.28.060 through 21.28.140.

9
10 B. Projection. No sign shall project more than eighteen inches into the public way.

11
12 C. Height. No sign shall project higher than thirty feet above curb level.

13
14 **Chapter 21.67 CRITICAL AREA OVERLAY**

15
16 *Drafting Note: We have structured amendments to this chapter so that planning and zoning*
17 *will continue to process critical areas matters in the context of issuing zoning certificates.*
18 *Enforcement following the issuance of the certificate is transferred to neighborhood and*
19 *environmental programs*

20
21 **Section 21.67.030 Enforcement.**

22
23 A. No zoning certificate shall be issued by the director of planning and zoning for any use
24 of land located in a critical area overlay district unless the director of planning and zoning,
25 with the concurrence of the director of public works neighborhood and environmental
26 programs, finds that the use conforms to the requirements of this chapter.

27 B. The director of planning and zoning and the director of neighborhood and environmental
28 programs shall have the authority to enforce this chapter as provided in the various
29 sections herein.

30
31 **Section 21.67.050 Definitions.**

32
33 A. The following definitions shall be used in the interpretation and administration of the city
34 of Annapolis critical area program:

35
36 1. "Afforestation" means the establishment of a tree crop on an area from which it has
37 always or very long been absent, or the planting of open areas which are not presently in
38 forest cover.

39
40 2. "Buffer" means a naturally vegetated area or vegetated area established or managed to
41 protect aquatic, wetland, shoreline, and terrestrial environments from manmade
42 disturbances. This is the area which is a minimum one hundred feet landward from the

1 mean high water line of tidal waters, tributary streams and tidal wetlands.

2
3 3. "Cluster development" means a residential development in which dwelling units are
4 concentrated in a selected area or selected areas of the development tract so as to provide
5 natural habitat or other open space uses on the remainder.

6
7 4. "Community piers" means boat docking facilities associated with subdivisions and similar
8 residential areas, and with condominium apartment, and other multiple-family dwelling
9 units.

10
11 5. "Conservation easement" means a non-possessing interest in land which restricts the
12 manner in which the land may be developed in an effort to reserve natural resources for
13 future use.

14
15 6. "Critical area" means all lands and waters defined in Section 8-1807 of the Natural
16 Resources Article, Annotated Code of Maryland (or its successors). They include:

17
18 a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide
19 as indicated on the state wetlands maps, and all state and private wetlands designated
20 under Title 9 of the Natural Resources Article, Annotated Code of Maryland (or its
21 successors);

22
23 b. All land and water areas within one thousand feet beyond the landward boundaries of
24 state or private wetlands and the heads of tides designated under Title 9 of the Natural
25 Resources Article, Annotated Code of Maryland (or its successors); and

26
27 c. Modifications to these areas through inclusions or exclusions proposed by the city of
28 Annapolis and approved by the Critical Area Commission as specified in Section 8-1807
29 of the Natural Resources Article, Annotated Code of Maryland (or its successors).

30
31 7. "Density" means the number of dwelling units per acre within a defined and
32 measurable area.

33
34 8. "Developed woodlands" means those areas of one acre or more in size which
35 predominantly contain trees and natural vegetation and which also include residential,
36 commercial or industrial structures and uses. Within the city of Annapolis, developed
37 woodlands are further defined as those areas where greater than half of the area extent
38 consists of a recognizable canopy of mature species typical of a climax stage of forest
39 succession.

40
41 9. "Development activities" means the construction or alteration of residential,
42 commercial, industrial, institutional or transportation facilities or structures.

10. "Forests" means biological communities dominated by trees and other woody plants covering a land area of one acre or more. Within the city of Annapolis, forests exist as isolated, undeveloped tracts dominated by mixed deciduous and coniferous species generally at climax stage. Undeveloped drainage areas and steep slopes dominated by a variety of trees and other woody plants at various successional stages are also considered forests.

11. "Impervious surface" means those areas which do not have a vegetative cover with a natural soil substrate or a stormwater management reservoir.

12. "Intensely developed areas" means those areas where residential, commercial, institutional and/or industrial developed land uses predominate, and where relatively little natural habitat occurs.

13. "Land-disturbing activity" means those activities that involve land surface and/or subgrade that are altered from existing conditions and that are regulated under Titles 14, 15, 17, 19, 20 and 21 of the city code.

14. "Limited development areas" means those areas which are currently developed in low-intensity or moderate-intensity uses. They also contain areas of natural plant and animal habitats.

15. "Marina" means any facility for the mooring, berthing, storing or securing of watercraft, but not including community piers and other noncommercial boat docking and storage facilities.

16. "Mean high water line" means the average level of high tides at a given location.

17. "Natural features" means components and processes present in or produced by nature, including but not limited to soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life and wildlife.

18. "Natural parks" means areas of natural habitat that provide opportunities for those recreational activities that are compatible with the maintenance of natural conditions.

19. "Natural vegetation" means those plant communities that develop in the absence of human activities.

20. "Nature-dominated" means a condition where landforms or biological communities, or both, have developed by natural processes in the absence of human intervention.

21. "Nontidal wetlands" means those lands in the critical area excluding tidal wetlands

regulated under Title 9 16 of the ~~Natural Resources Article~~ **Environment**, Annotated Code of Maryland (**or its successors**), where the water table is usually at or near the surface, or lands where the soil or substrate is covered by shallow water at some time during the growing season, and which are usually characterized by one or both of the following:

a. At least periodically, the lands support predominantly hydrophytic vegetation; and

b. The substrate is predominantly undrained hydric soils. Excluded from this definition are manmade bodies of water whose purpose is to impound water for agriculture, water supply or recreation, or bodies of water which are inadvertently created during the construction process.

22. "Offsets" means structures or actions that compensate for undesirable impacts.

23. "Physiographic features" means the soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

24. "Plant habitat" means a community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.

25. "Project approval" means the approval of development, other than by a federal, state or local government agency, in the critical area by the city of Annapolis. The term includes approval of subdivision plats and site plans; inclusion of areas within floating zones; issuance of variances, special exceptions, and special exception permits; and issuance of grading, building and zoning permits.

26. "Redevelopment" means the expansion, significant rehabilitation or reconstruction or substantial improvement of any structure on a site which has previously been built upon. The construction or structures on previously undeveloped land or land on which structures have been demolished for the purposes of replacement development is not considered redevelopment.

27. "Resource conservation areas" means those areas which are characterized by nature-dominated environments (i.e., wetlands, natural drainage areas for wetlands, forests, developed woodlands).

28. "Riparian habitat" means a habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines and wetlands.

29. "Tributary streams" means those perennial and intermittent streams in the Critical Area which are so noted on the most recent U.S. Geological Survey 7½ minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion

1 of the local jurisdictions.

2
3 30. "Water-dependent facilities" means:

4
5 a. those structures or accessory buildings associated with maritime, recreational,
6 educational or fisheries activities that require location at or near the shoreline;

7
8 b. an activity that cannot exist outside the buffer and is dependent on the water by
9 reason of the intrinsic nature of its operation.

10
11 31. "Water-dependent structures (maritime)" means those structures or accessory
12 buildings associated with maritime activities involving seafood industrial, in-water boat
13 storage or marine fabrication use that, in the determination of the director of planning and
14 zoning, require location within one hundred feet of the bulkhead or mean high water line
15 for efficiency of operation.

16 32. "Wildlife corridor" means a strip of land having vegetation that provides a safe
17 passageway for wildlife.

18
19 33. "Wildlife habitat" means those plant communities and physiographic features that
20 provide food, water and cover, nesting, and foraging or feeding conditions necessary to
21 maintain populations of animals in the critical area.

22
23 **Section 21.67.060 Development requirements generally.**

24
25 A. Intense development should be directed outside the critical area. If intense development
26 is proposed in the critical area, it shall be directed toward the intensely developed areas.

27
28 B. Proposed low-intensity and moderate-intensity development may be permitted in the
29 limited development areas, but shall be subject to strict regulation to prevent adverse
30 impacts on habitat or water quality.

31
32 C. Development shall be limited in the resource conservation areas, which shall be chiefly
33 designated for habitat protection.

34
35 D. The following new development or redevelopment uses shall not be permitted in the
36 district:

37
38 1. Non-maritime heavy industry;

39
40 2. Transportation facilities and utility transmission facilities, except those necessary to serve
41 permitted uses, or where regional or interstate facilities must cross tidal waters;

42

3. Permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities;

4. Solid or hazardous waste collection or disposal facilities; or

5. Sanitary landfills.

E. Buffer.

1. New development activities, including structures; roads, parking areas and other impervious surfaces; septic systems; accessory uses, including but not limited to swimming pools; and the substantial alteration of existing facilities or structures shall not be permitted in the buffer, except for those necessarily associated with water-dependent facilities.

2. New construction on recorded lots, under the grandfathering provisions of Section 21.67.140, shall be designed and sited in such a fashion that if the buffer is impacted, the applicant shall obtain a variance in accordance with Section 21.67.150.

3. The buffer shall be expanded beyond one hundred feet to include contiguous sensitive areas such as steep slopes, hydric soils or highly erodible soils whose development or disturbance may impact streams, wetlands or other aquatic environments. In the case of contiguous slopes of fifteen percent or greater, the buffer shall be expanded four feet for every one percent of slope or to the top of the slope, whichever is greater in extent.

F. Subdivision Access.

1. New public streets developed as part of a subdivision and necessary to provide legal access to subdivision lots will be considered as contributing to the impervious surface requirements of this chapter. The director of planning and zoning and the director of public works may, however, allow subdivision redesign in order to minimize the amount of subdivision land dedicated to streets.

2. Modifications in road standards may be allowed to reduce potential impacts to the site and critical area resources, where the reduced standards do not significantly affect safety as determined by the director of public works.

G. Trees shall be protected, preserved and replaced pursuant to the requirements of Section 17.09.080(E) **17.09.080E**.

Section 21.67.065 Buffer exemption areas.

The state critical area commission policy applies only to lots of record that existed as of

December 1, 1985. However, subdivision of grandfathered parcels may be permitted if the subdivision, consolidation, or reconfiguration of the parcels will result in an overall environmental benefit. Applications for subdivision in buffer exempt areas shall be approved by the critical area commission. In no case shall the subdivision and the subsequent redevelopment result in a greater area of impervious surface in the buffer.

A. The ~~department of planning and zoning~~ review of the submission shall be based on the state of Maryland buffer exempt area policy dated April 5, 2000.

B. All new construction, or enlargement of any structure in the buffer exempt area shall be subject to:

1. Posting of Property. At the time of submissions of plans, notice shall be posted on the property for fourteen days, in a manner prescribed by the department of planning and zoning.

2. Public Comment Period. During the posting period, and for seven days thereafter, the director of the department of planning and zoning shall accept comments from the public that are relevant to the proper consideration of the submitted plans.

Section 21.67.070 Development requirements--Intensely developed areas.

A. Stormwater management technologies shall be required to reduce pollutant loadings by at least ten percent below that of predevelopment levels in accordance with **city code**, Chapter 17.10.

B. Manmade impervious surfaces shall be limited to the following maximum percentages of the development site:

Underlying Zoning % of Manmade

District Impervious Surface

Residential 50%

C-1 75%

C-2 90%

P 60%

PM 60%

1 Maritime 80%

2
3 B-1 60%

4
5 B-2 60%

6
7 B-3 60%

8
9 C. Erosion and sediment control measures shall be required in accordance with city code,
10 Chapter 17.08.

11
12 D. Cluster development is encouraged, to the extent practicable, to reduce impervious
13 surfaces and maximize areas of natural vegetation. ~~Article VII authorizes cluster~~
14 ~~subdivisions.~~

15
16 E. Cutting and clearing of trees shall occur in accordance with this code and within
17 landscaping guidelines determined by the department of planning and zoning neighborhood
18 and environmental programs.

19
20 F. Habitat Protection Areas.

21
22 1. Developers shall determine whether there are any habitat protection areas on the project
23 site, or whether development on the site could adversely affect such areas off-site.

24
25 2. In developing the site, roads, bridges and utilities shall not be located in a habitat
26 protection area, even if the habitat area is outside the buffer, unless it is determined by the
27 city that no feasible alternative exists. Where roads, bridges or utilities must cross such
28 areas, they must be designed, constructed and maintained to protect the habitats, to
29 provide maximum erosion protection, and to maintain hydrologic processes and water
30 quality.

31
32 3. The developer shall protect any wildlife corridors or habitat protection areas located in
33 forests and developed woodlands.

34
35 **Section 21.67.110 Habitat protection.**

36
37 Each applicant proposing a land-disturbing activity within the critical area of the city of
38 Annapolis must submit a habitat protection area statement for plant and wildlife habitat that
39 addresses the following:

40
41 A. The applicant for any land-disturbing activity within the city's critical area is required to
42 identify all plant and wildlife habitat areas subject to this program anywhere within the

1 legally divided parcel proposed for development.

2
3 B. If there are plant and wildlife habitat areas within the parcel proposed for development,
4 the applicant will prepare a plant and wildlife habitat statement which indicates the
5 measures to be taken to meet the following requirements, as appropriate:
6

7 1. Establish buffer areas for colonial water bird nesting sites so that these sites are
8 protected from the adverse impacts of development activities and from disturbance during
9 the breeding season;
10

11 2. Provide that new water-dependent facilities are so located as to prevent disturbance to
12 sites of significance to wildlife such as historic, aquatic staging and concentration areas for
13 waterfowl;
14

15 3. Provide protection measures, including a buffer area, where appropriate, for other plant
16 and wildlife habitat sites which may in the future be identified by state and federal agencies
17 as important plant or wildlife habitat areas;
18

19 4. Protect and conserve those riparian forests of approximately three hundred feet or more
20 in width required to support forest interior dwelling birds, as determined by methods
21 described in the critical area commission Guidance Paper Number 1, "A Guide to the
22 Conservation of Forest Interior Dwelling Birds in the Critical Area";
23

24 5. To the extent practical, when development activities, or the cutting or clearing of trees,
25 occurs in forested areas, maintain corridors of existing forest or woodland vegetation to
26 provide effective connections between wildlife habitat areas;
27

28 6. Protect those plant and wildlife habitats considered to be of significance by the city of
29 Annapolis;
30

31 7. Protect natural heritage areas from alteration due to development activities or cutting or
32 clearing so that the structure and species composition of the areas are maintained.
33

34 C. If a protected plant or wildlife habitat is not present within a parcel proposed for
35 development, then a statement to that effect from a qualified expert must be submitted to
36 the city.
37

38 D. In preparing the plant and wildlife habitat statement, the applicant is responsible for
39 consulting with the DNR Department of Natural Resources; the Maryland Natural Heritage
40 Program; the U.S. Fish and Wildlife Service; the city of Annapolis; and other relevant public
41 agencies and private organizations for the purpose of assuring compliance with all
42 applicable laws, rules and regulations.

Section 21.67.160 Administrative variances.

A. The purpose of this section is to authorize delegation of board of appeals approval authority to the planning and zoning director to apply the standards for variance as specified in Section 21.67.150 for proposed development activities as follows:

1. In the case of residential structures currently located within the designated one-hundred-foot buffer, an expansion of these structures; provided, that the expansion occurs parallel to the shoreline and does not further encroach into the waterway yard.

B. Administrative variances are subject to the following conditions:

1. This section applies to new development or redevelopment within the critical area buffer.

2. This section only applies to single-family lots of record at the time of program approval.

3. Development may not impact any habitat protection areas other than the buffer.

4. The applicant will be required to maintain existing natural vegetation in the buffer to the extent possible.

5. The disturbance to the buffer must be the least intrusion necessary.

6. Any development in the buffer will require mitigation/enhancement or offsets, as follows:

a. The extent of the lot or parcel shoreward of the new development or redevelopment shall be required to remain, or shall be established and maintained, in natural vegetation; and

b. Natural vegetation of an area twice the extent of the impervious surface must be created in a buffer offset area or other location as may be determined by the city.

7. An applicant who cannot comply with the above planting or offset requirements is required to pay into the fee-in-lieu program established under Chapter 17.09 according to the specifications below.

a. For each square foot of the buffer disturbed, one dollar and twenty cents; and

b. For any buffer plantings required by Chapter 17.09 that cannot be implemented on site, forty cents per square foot.

c. Any fees-in-lieu collected under these provisions shall be placed in an account that will assure their use only for projects within the critical area for the benefit of wildlife habitat, water quality improvements or environmental education. The status of these funds must

1 be reported at the time of comprehensive review. If it is not possible to carry out offsets or
2 other mitigation within the critical area, any plantings or other habitat/water quality
3 improvement should occur within the affected watershed.
4

5 8. Any required reforestation/mitigation/offset areas must be designated under a
6 development agreement or other instrument and recorded among the land records of Anne
7 Arundel County.
8

9 9. The state critical area commission shall be notified of the requested variance prior to any
10 administrative action by the staff and shall be notified of the action taking with regard to the
11 requested variance within ten days of the action.
12

13 10. The request for administrative variance and all supporting documentation shall be
14 referred by the planning and zoning director to the director of neighborhood and
15 environmental programs for review and comment. The director of neighborhood and
16 environmental programs shall within ten days of such referral provide to the planning and
17 zoning director recommendations with regard to the proposed variance including a
18 recommendation that the variance be granted, denied or granted subject to specified terms
19 and conditions. The planning and zoning director shall not be bound by the
20 recommendations of the director of neighborhood and environmental programs'
21 recommendations.
22

23 11. The chairman of the critical area commission may appeal an administrative variance
24 granted by the planning and zoning director or local approving authority. At this time the
25 project will go before the board of appeals de novo.
26
27

28 **Section 21.69.045 Uses subject to standards.**

29

30 The uses specified in this section are permitted in the residential conservation overlay
31 district, subject to compliance with the standards indicated.
32

33 A. The following uses are permitted subject to the standards enumerated in subsection B
34 of this section:
35

36 1. Bed and breakfast homes.
37

38 B. Uses listed in subsection A of this section shall comply with the following standards:
39

40 1. The individual recorded owner of the property shall be the operator of the bed and
41 breakfast and reside on the premises. No resident managers shall be allowed to operate
42 a bed and breakfast.

1 2. The number of guests cannot exceed the maximum allowed by the life safety code.

2
3 3. There shall be only one kitchen within the entire dwelling. No cooking facilities shall be
4 permitted in guest rooms.

5
6 4. Bed and breakfast homes shall not have a separate apartment within the entire dwelling
7 or on the subject property such as a carriage house, garage, etc.

8
9 5. Bed and breakfast homes shall have interior stairs to serve all habitable living spaces
10 within the entire dwelling including basements and attics.

11
12 6. A rental license shall be obtained from the department of public works **neighborhood and**
13 **environmental programs**.

14
15 7. The resident owner shall keep a current guest register including names, addresses and
16 dates of occupancy of all guests available for inspection by the licensing agency.

17
18 8. The use shall be subject to all applicable city code regulations including but not limited
19 to building, fire, and health regulations.

20
21 9. For each side of a block between two intersecting streets there shall be no more than
22 two bed and breakfast homes and no two bed and breakfast homes shall be located on
23 adjacent properties.

24
25 10. No bed and breakfast home shall be located in an attached dwelling.

26
27 11. The bed and breakfast use shall be subordinate and incidental to the principal
28 residential use of the property and located within an existing structure. Bedroom rental units
29 may not occupy more than sixty percent of the living space of the single-family dwelling.

30
31 12. A minimum number of off-street parking spaces shall be provided in accordance with
32 the following schedule:

33
34 a. One space for a one or two guest room bed and breakfast;

35
36 b. Three spaces for a three guest room bed and breakfast;

37
38 c. Four spaces for a four guest room bed and breakfast;

39
40 d. Five spaces for a five guest room bed and breakfast.

41
42 13. Required off-street parking may be provided within an existing garage, driveway or

1 parking area. Where feasible, parking areas shall be provided at the rear or side of the
2 property, but in no case should parking be provided in the established front yard. When
3 located next to a residence, parking shall be screened and maintained with dense planting
4 or other appropriate screening to buffer the parking from abutting properties subject to the
5 provisions of site design review under **city code**, Chapter 21.98.

6
7 14. Signage shall be limited to a single sign not exceeding two square feet in area.

8
9 15. No bed and breakfast license will be required for special events including multi-day
10 graduation events and multi-day boating event and other similar events as determined by
11 the director of planning and zoning.

12 16. The applicant for a bed and breakfast license shall post a public notice on the property
13 indicating that a bed and breakfast license for the property is being sought. This sign shall
14 be posted for a period of not less than ten days.

15
16 C. Bed and breakfast homes shall be subject to the same use and occupancy tax levied
17 for hotels ~~and motels under Section 7-403(B) and (C) of~~ **pursuant to** the Anne Arundel
18 County Code.

19
20 **Section 21.69A.045 Uses subject to standards.**

21
22 A. The uses specified in this section are permitted in the residential conservation overlay
23 district 2, subject to compliance with the standards indicated.

24
25 1. Bed and breakfast homes are permitted subject to the following standards:

26
27 a. The individual owner(s) of record of the property shall be the operator of the bed and
28 breakfast and reside on the premises. No resident managers shall be allowed to operate
29 a bed and breakfast.

30
31 b. The number of guests shall not exceed the maximum allowed by the life safety code.

32
33 c. There shall be only one kitchen within the dwelling. No cooking facilities shall be
34 permitted in guest rooms.

35
36 d. There shall be no separate apartment within the dwelling or on the subject property such
37 as a carriage house, garage, etc.

38
39 e. The dwelling shall have interior stairs to serve all habitable living spaces within the entire
40 dwelling including basements and attics.

41
42 f. The owner(s) of record of the property shall obtain a rental license from the department

1 of ~~public works~~ neighborhood and environmental programs.

2
3 g. The owner(s) of record of the property shall keep a current guest register including
4 names, addresses and dates of occupancy of all guests available for inspection by the
5 licensing agency.

6 h. The bed and breakfast use shall be subject to all applicable city code regulations
7 including but not limited to building, fire, and health regulations.

8
9 i. There shall be no more than one bed and breakfast home for every block on any street
10 located in the district and no two bed and breakfast homes shall be located on adjacent
11 properties.

12
13 j. No bed and breakfast home shall be located in an attached or multi-family dwelling.

14
15 k. The bed and breakfast use shall be subordinate and incidental to the principal residential
16 use of the property and located within an existing structure.

17
18 l. Bedroom rental units shall not occupy more than sixty percent of the living space of the
19 dwelling.

20
21 m. Off-street parking spaces shall be provided in accordance with the following schedule:

22
23 One space for a one or two guest room bed and breakfast

24
25 Three spaces for a three guest room bed and breakfast

26
27 Four spaces for a four guest room bed and breakfast

28
29 n. Required off-street parking may be provided within an existing garage, driveway or
30 parking area. Where feasible, parking areas shall be provided at the rear or side of the
31 property, but in no case should parking be provided in the established front yard. When
32 located at the side of the property, parking shall be screened and maintained with dense
33 planting or other appropriate screening to buffer the parking from abutting properties and
34 shall be subject to the provisions of site design review under city code, Chapter 21.98.

35
36 o. Signage shall be limited to a single sign not exceeding two square feet in area.

37
38 p. An applicant for a bed and breakfast license shall post a public notice on the property
39 indicating that a bed and breakfast license for the property is being sought. This sign shall
40 contain such information as may be required by the director of planning and zoning and
41 shall be posted for a period of not less than ten consecutive days, immediately following
42 the date of application.

1 q. Bed and breakfast homes shall be subject to the use and occupancy tax levied on hotels
2 and motels pursuant to section 7-403(B) and C of ~~pursuant to~~ the Anne Arundel County
3 Code.

4
5 **Section 21.78.010 Required.**
6

7 A. No occupancy or use shall be made of any structure erected or of any premises
8 improved after August 10, 1970, and no change in use shall be permitted unless and until
9 a use permit has been approved in accordance with the provisions of this chapter.

10
11 B. For the purposes of this title and in the furtherance of Chapters 17.04 through 17.32,
12 17.52, 19.08 and 19.12 of this code, a use permit shall be obtained from the planning and
13 zoning director ~~and the director of neighborhood and environmental programs~~ before any
14 person shall:

15
16 1. Occupy or use, or permit or cause to be occupied or used, any building erected after
17 August 10, 1970;

18
19 2. Change the use or permit or cause a change in the use of any existing building;

20
21 3. Occupy or use any vacant land;

22
23 4. Make any change in the use of a nonconforming use;

24
25 5. Enlarge any use with respect to the unit of measurement specified in this title as the
26 basis for determining the amount of off-street parking, whether the same is specified in
27 terms of floor area, dwelling units, seats or any other element of size or use;

28
29 6. Continue any use after a change in the proprietorship or the use, except a single-family
30 dwelling.

31
32 C. No person may submit an application for a use permit if that person or if the owner,
33 occupier or tenant of the subject property shall have been issued any pending, unsatisfied,
34 or unpaid citation for any municipal infraction or misdemeanor provided by the city building
35 or zoning laws or Charter or if any such person shall have not completed any remedial or
36 corrective action ordered by any department of the city charged with the enforcement of
37 said laws.

38
39 D. A building and/or zoning code citation or order pending before any city board,
40 commission, agency or department or before any court shall be considered pending,
41 unsatisfied, unpaid and not completed for purposes of the preceding subsection.
42

1 E. The applicant shall submit with its application for a use permit, an affidavit affirming
2 under penalty of perjury that neither the applicant nor any owner, occupier or tenant of the
3 subject property has been issued any pending, unsatisfied or unpaid citation, and that no
4 such person has failed to complete any remedial or corrective action ordered by a
5 department of the city as described in subsections C and D of this section.
6

7 F. The director of ~~planning and zoning neighborhood and environmental programs~~, in
8 consultation with the city attorney, may waive the requirements of Section 21.78.010C after
9 the director makes a written determination that for reasons set forth therein, such a waiver
10 is in the best interest of the city and does not imperil or prolong an existing peril to life or
11 property. ~~The director of planning and zoning shall forward a copy of the written~~
12 ~~determination to be director of neighborhood and environmental programs.~~
13

14 **Section 21.78.020 Application.**

15

16 A. Written application for a use permit for any building erected, altered or enlarged after
17 August 10, 1970 shall be made at the same time as the application for a building permit for
18 the building, and a written request for issuance made to the ~~planning and zoning director~~
19 ~~of planning and zoning and the director~~ of neighborhood and environmental programs after
20 the completion of the work covered by the building permit. If the proposed use is in
21 conformity with the provisions of this title and meets the minimum requirements set forth
22 below, the applicable permit shall be issued.

23 B. Written application for a use permit for the use of vacant land or for a change in the use
24 of land or a building, for a change in a nonconforming use, for the enlargement of a use or
25 for the continuation of a use shall be made to the planning and zoning director. If the
26 proposed use is in conformity with the provisions of this title and of all other applicable laws,
27 bodies or agencies responsible for the administration of those laws, permit shall be issued.
28

29 **Section 21.80.020 Application--Notices--Hearings.**

30

31 A. An application for a variance shall be filed in writing with the planning and zoning
32 director ~~except that an application for a variance pursuant to city code chapter 21.67 shall~~
33 ~~be filed with the director of neighborhood and environmental programs.~~ The application
34 shall contain the information the board of appeals, by rule, requires.
35

36 B. Notice of the time and place of the public hearing shall be published at least once in a
37 newspaper of general circulation in Annapolis and also by mailing notice of the hearing to
38 the parties in interest and to all persons owning property within two hundred feet of the
39 applicant's property, the publication and mailing to be made not less than fifteen days prior
40 to the date of the hearing. Notice also shall be posted with a sign on the applicant's
41 property designating the hearing and variance sought at least fifteen days prior to the
42 hearing. The applicant shall be responsible for the removal of the sign within seven days

1 following the close of the hearing.
2

3 C. The board shall reach its decision within forty days from the date of the hearing, and,
4 at the applicant's expense, shall publish notice of the decision in a newspaper of general
5 circulation in Annapolis and mail notices of the decision to all persons owning property
6 within two hundred feet of the applicant's property.
7

8 **Section 21.80.030 Standards--Conditions.**
9

10 A. Except as provided in subsection See C of this section, the board of appeals shall not
11 vary the regulations of this title, as authorized in this chapter, unless it makes findings
12 based upon the evidence presented to it in each specific case that:
13

14 1. Because of the particular physical surroundings, shape or topographical conditions of
15 the specific property involved, a particular hardship to the owner would result as
16 distinguished from a mere inconvenience if the strict letter of the regulations were to be
17 carried out;
18

19 2. The conditions upon which a petition for a variation is based are unique to the property
20 for which the variance is sought, and are not applicable, generally, to other property within
21 the same zoning classification;
22

23 3. The purpose of the variance is not based exclusively upon a desire to increase financial
24 gain;
25

26 4. The alleged difficulty or hardship is caused by this title and has not been created by any
27 persons presently having an interest in the property;
28

29 5. The granting of the variation will not be detrimental to the public welfare or injurious to
30 other property or improvements in the neighborhood in which the property is located;
31

32 6. The proposed variation will not impair an adequate supply of light and air to adjacent
33 property, or substantially increase the congestion of the public streets, or increase the
34 danger of fire, or endanger the public safety, or substantially diminish or impair property
35 values with the neighborhood.
36

37 B. The board of appeals may impose conditions and restrictions upon the premises
38 benefitted by a variance as may be necessary to comply with the standards established in
39 this chapter and the objectives of this title.
40

41 C. The board of appeals shall consider requests for variances to the Annapolis critical area
42 program under the criteria set forth in city code section 21.67.150 instead of the criteria set

1 forth in this section.

2
3 **Section 21.80.040 Permitted variances.**

4
5 Variances from the regulations of this title shall be granted by the board of appeals only in
6 accordance with the standards established in Section 21.80.030, and may be granted in
7 the following instances only and in no others:

8
9 A. To permit any yard or setback less than a yard or a setback required by the applicable
10 regulations;

11
12 B. To permit the use of a lot or lots for a use otherwise prohibited solely because of the
13 insufficient area or width of the lot or lots. However, the respective area and width of the
14 lot or lots shall not be less than eighty percent of the required area and width, with the
15 exception that variance from lot size and floor area requirements of existing legally
16 established religious institutions may be granted, by the board of appeals, without limitation;

17
18 C. To reduce the applicable off-street parking or loading facilities required by not more than
19 one parking space, or loading space, or twenty percent of the required facilities, whichever
20 number is greater;

21
22 D. To increase by not more than twenty percent the maximum distance that required
23 parking spaces are permitted to be located from the use served;

24
25 E. To increase by not more than twenty percent the maximum gross floor area of any use
26 limited by the applicable regulations;

27
28 F. To waive the required screening of automobile parking lots, in accordance with Section
29 21.64.200;

30
31 G. To waive, in whole or in part, the lot coverage restrictions specified in the R1-A and the
32 R1-B single-family residence districts;

33
34 H. To allow in the case of single-family detached dwellings in the R1, R1-A, R2, R3 and R4
35 zoning districts, a building height of three stories, provided that the height does not exceed
36 thirty-five feet;

37
38 I. To waive certain requirements of the Annapolis critical areas program as provided in city
39 code chapter 21.67.

40
41
42 **Section 21.88.010 Planning and zoning director.**

1
2 The planning and zoning director and any deputy director, assistant director, or staff
3 member, as designated by the director, shall enforce this title, **except where specifically**
4 **provided otherwise in any provision of this title**, and in addition to and in furtherance of that
5 authority shall:
6

7 A. Issue all zoning certificates and make and maintain records of the certificates;
8

9 ~~B. Issue citations for municipal infractions for~~ **Take appropriate enforcement action with**
10 **regard to** alleged violations of any provisions of this title;
11

12 C. Conduct inspections of buildings, structures and use of land to determine compliance
13 with the terms of this title;
14

15 D. Maintain permanent and current records of this title, including, but not limited to, all
16 maps, amendments, special exceptions, variances, appeals and applications;
17

18 E. Provide and maintain public information relative to all matters arising out of this title;
19

20 F. Allow parking lots in residence districts to be illuminated between the hours of ten p.m.
21 and seven a.m. when necessary for the public safety or welfare;
22

23 G. Initiate or direct from time to time a study of the provisions of this title, and make reports
24 or recommendations to the planning commission not less frequently than once a year; **and**
25

26 H. Allow, in the case of an individual residential lot, a tolerance up to twenty percent of the
27 established yard requirements upon making a written finding that the objectives of this title
28 will not be jeopardized;
29

30 I. Provide administrative and staff support for the housing and community development
31 committee, and any assistance deemed necessary to ensure the efficient and expeditious
32 implementation of committee-developed policies and programs.
33

34 **Section 21.88.020 Board of appeals.**

35 A. Establishment. The board of appeals, as provided for in Chapter 2.48 of this code, is the
36 board of appeals referred to in this title. The board of appeals is also the board of appeals
37 referred to in Section 4.07 of Article 66B of the Annotated Code of Maryland **(or its**
38 **successors)**.
39

40 B. Jurisdiction. The board of appeals is vested with the following jurisdiction and authority
41 under this title:
42

1 1. To hear and decide appeals where it is alleged there is error in any order, requirement,
2 decision or determination made by an administrative official or body in the enforcement of:
3 (a) this title; or (b) any ordinance adopted pursuant to ~~this title~~ **Article 66B of the Annotated**
4 **Code of Maryland (or its successors);**

5
6 2. To hear and pass upon applications for variances from the terms provided in this title in
7 the manner prescribed by and subject to the standards established in this title;
8

9 3. To hear and decide all matters referred to it or upon which it is required to pass under
10 this title, and as prescribed by Section 4.07 of Article 66B of the Annotated Code of
11 Maryland **(or its successors)**.

12
13 4. To execute all of the powers conferred to boards of appeals under Article 66B of the
14 Annotated Code of Maryland ~~1957 edition, as amended from time to time~~ **(or its**
15 **successors)**;

16
17 5. To hear and pass upon applications for special exceptions, including planned
18 developments, under Chapter 21.72 of this code.
19

20 C. Adoption of Rules. The board shall adopt rules in accordance with the provisions of this
21 section and in accordance with Section 4.07 of Article 66B of the Annotated Code of
22 Maryland **(or its successor successors)**. The board shall adopt and amend rules as follows:
23

24 1. After a public session to consider the proposed rules or amendments, the board shall
25 adopt and periodically amend rules of practice and procedure.
26

27 2. The board shall give reasonable notice of the date, time, and place of the public session
28 and the category of rule or amendment to be considered at the session.
29

30 3. After they are approved by the board, the rules of the board of appeals shall be
31 published and shall be available to the public through the department of planning and
32 zoning.

33 D. Rules. In addition to such other rules that the board may adopt pursuant to the
34 preceding subsection, the following rules shall apply to all matters handled by the board:
35

36 1. Meetings. Meetings of the board shall be held at the call of the chair and at other times
37 as the board determines. The chair or, in the chair's absence, the acting chair, may
38 administer oaths and compel the attendance of witnesses. All meetings of the board shall
39 be open to the public and relevant testimony and evidence accepted from all interested
40 parties. The board shall keep minutes of its proceedings, showing the vote of each member
41 upon each question, or, if absent or failing to vote, indicating that fact, and shall keep
42 records of its examination and other official actions, all of which shall be filed immediately

1 with the department of planning and zoning and shall be a public record.

2
3 2. Appearance and Practice. An individual may appear in that person's behalf; a member
4 of a partnership may represent the partnership; a bona fide officer or representative of a
5 corporation, trust or association may represent the corporation, trust or association; and
6 an officer or employee of a political subdivision or body or department may represent the
7 political subdivision, body or department. A person, firm or corporation may be represented
8 in any proceedings by an attorney at law admitted to practice before the court of appeals
9 of this state.

10
11 3. Testimony and Evidence. In addition to the applicant, relevant testimony and evidence
12 either in favor of or in opposition to the applicant may be presented by:

13
14 a. Owners of property within the city;

15
16 b. Taxpayers of the city;

17
18 c. Residents of the city;

19
20 d. Any other persons not identified above whose personal or property interest may be
21 affected specially by the granting or denial of the application;

22
23 e. Attorneys at law and experts appearing on behalf of those persons listed above;

24
25 f. Representatives of civic or community associations, or of governmental-established
26 groups whose functional or property interest may be affected specially by the granting or
27 denial of the application.

28
29 E. Communicating With Board Members. A person may not communicate ex parte with a
30 member of the board of appeals regarding any matter while the matter is pending. A person
31 who violates any provision of this section is guilty of a misdemeanor and on conviction is
32 subject to a fine not exceeding one thousand dollars or imprisonment not exceeding six
33 months or both. Each act of communication in violation of this section is a separate offense.

34
35 F. Construction of Section. As used in this section, the term "applicant" includes a
36 "petitioner," "appellant" or a "licensee" as the case may be, and the other provisions of this
37 section shall be interpreted accordingly in consideration of the type of matter being heard.

38
39 G. The board shall apply a liberal interpretation to this section.

40
41 **Section 21.88.030 Planning commission.**

42

1 There is a city planning commission which shall consist of seven residents of the city who
2 have a demonstrated interest with regard to planning policy and with regard to land use
3 matters and procedures of the city. The members shall be appointed by the mayor and
4 confirmed by the city council. The commission shall have all of the powers conferred by
5 Article 66B, of the Annotated Code of Maryland, as amended, pertaining to planning
6 commissions.

7
8 A. Established. The planning commission, as established under Article 66B of the
9 Annotated Code of Maryland (or its successors), is the planning commission referred to in
10 this title.

11
12 B. Duties. The planning commission shall discharge the following duties:

13
14 1. Review all applications for special exceptions and report the findings and
15 recommendations to the board of appeals in the manner prescribed in this title for special
16 exceptions;

17
18 2. Review all proposed amendments to this title and report to the city council its findings
19 and recommendations in the manner prescribed in this title for amendments;

20
21 3. Receive from the planning and zoning director the director's recommendations as related
22 to the effectiveness of this title and report its conclusions and recommendations to the city
23 council not less frequently than once a year;

24
25 4. Hear and decide matters upon which it is required to pass under this title;

26
27 5. Execute all of the powers conferred to planning commissions under Article 66B of the
28 Annotated Code of Maryland, ~~as amended~~ (or its successors).

29
30 C. Term of Office. The term of office of each member of the commission shall be as
31 provided in Article 66B of the Annotated Code of Maryland as amended (or its successors).
32 The term of each member shall commence on July 1st of the year in which the appointment
33 is made.

34
35
36 **Section 21.90.010 Standing--Filing deadline.**

37
38 An appeal may be taken to the board of appeals by a person aggrieved or by an office
39 officer, department, board or bureau of the city aggrieved by a decision of the planning and
40 zoning director or an enforcement action of the director of neighborhood and environmental
41 programs other than the issuance of a misdemeanor citation. The appeal shall be taken
42 within fifteen days after the decision or the action complained of, by filing with the director

1 ~~from whom the appeal is taken~~ a notice of appeal specifying the grounds of the appeal. The
2 director of planning and zoning ~~from whom the appeal is taken~~ immediately shall forthwith
3 transmit to the board of appeals all of the papers constituting a ~~the~~ record upon which the
4 action appealed from was taken.

5
6 **Section 21.90.020 Stay pending appeal.**
7

8 An appeal to the board of appeals pursuant to the preceding section shall stay all
9 proceedings in furtherance of the action appealed from during the pendency of that appeal
10 before the board of appeals unless the planning and zoning director certifies to the board
11 of appeals, after the notice of the appeal has been filed with the director, that by reason of
12 facts stated in the certificate a stay, in the director's opinion, would cause imminent peril
13 to life and property, in which case the proceedings shall not be stayed unless a restraining
14 order is granted by the board of appeals or by a court on application or notice to the
15 director and on due cause shown **only as provided by Article 66B, Section 4.07 of the**
16 **Annotated Code of Maryland (or its successors).**
17
18

19 **Section 21.90.030 Hearing--Notice--Decision.**
20

21 A. The board of appeals shall select a reasonable time and place for the hearing of the
22 appeal and give due notice to the parties by at least one publication in a newspaper of
23 general circulation in Annapolis and also by mailing notice of the hearing to the parties in
24 interest and to all persons owning property within two hundred feet of the subject property
25 with respect to which the planning and zoning director **or the director of neighborhood and**
26 **environmental programs** made the decision being appealed. This publication and mailing
27 shall be made not less than fifteen days prior to the date of hearing. Notice also shall be
28 posted on the subject property with a sign briefly designating the hearing date and place
29 and the decision being appealed. The sign to be posted at least fifteen days prior to the
30 hearing. The appellant is responsible for the removal of the sign within seven days following
31 the close of the hearing.
32

33 B. The board shall reach its decision within forty days from the date of the hearing and, at
34 the appellant's expense, shall publish notice of the decision in a newspaper of general
35 circulation in Annapolis and mail notices of the decision to all persons owning property
36 within two hundred feet of the subject property. The board of appeals may affirm or reverse,
37 wholly or in part, or may modify the order, requirement, decision or determination **as ought**
38 **to be made or the board may issue a new order, requirement, decision or determination.**
39 To that end, the board has all the powers of the officer ~~to~~ from whom the appeal is taken.
40 The planning and zoning director **and the director of neighborhood and environmental**
41 **programs** shall maintain records of all actions of the board of appeals relative to appeals
42 **taken from their actions pursuant to this section.**

1 C. A person may appeal a decision of the board of appeals made pursuant to this section
2 as provided in Article 66B, Section 4.08 of the Annotated Code of Maryland (or its
3 successors).

4
5 **Chapter 21.92 VIOLATION-- ENFORCEMENT-- PENALTY**

6
7 **Section 21.92.010 Infraction Penalty.**

8
9 A. A person who violates **any provision of** this title is guilty of a ~~municipal infraction~~
10 misdemeanor and shall be fined ~~two hundred dollars for each conviction, and costs. Repeat~~
11 ~~offenders may be assessed a fine of four hundred dollars for each repeat offense~~ **by the**
12 **director of neighborhood and environmental programs not more than five hundred dollars**
13 **for any single, initial violation and not to exceed five hundred dollars for each repeat or**
14 **continuing violation.**

15
16 B. A person who violates **any term, condition or provision of any certificate of approval,**
17 **plan, zoning certificate, use permit, variance or other permit issued or approved pursuant**
18 **to this title is guilty of a ~~municipal infraction~~ misdemeanor and shall be fined ~~two hundred~~**
19 **dollars for each conviction, and costs** **by the director of neighborhood and environmental**
20 **programs not more than five hundred dollars for any single, initial violation and a fine of not**
21 **more than five hundred dollars for each repeat or continuing violation.**

22
23 C. **In addition to other penalties and enforcement powers set forth in this title or granted**
24 **to the city in law or in equity, whenever a person violates any provision of this title or any**
25 **term, condition or provision of any certificate of approval, plan, zoning certificate, use**
26 **permit, variance, or other permit issued or approved pursuant to this title, the director of**
27 **planning and zoning may issue an order requiring the developer or owner of the property**
28 **to stop work or to take specified corrective measures to comply with the requirements of**
29 **this title. If the developer or owner violates a stop work or corrective measures order**
30 **issued pursuant to this subsection, the director of planning and zoning may revoke any**
31 **permit relating to the work or to the property issued by the city or any of its departments.**

32
33 D. Except as specifically provided herein, the enforcement of this title shall be the
34 responsibility of the director of planning and zoning .

35
36 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
37 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its
38 passage.

39
40
41 **ADOPTED** this 13th day of October, 2003.
42

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY:
Deborah Heinbuch, CMC, City Clerk ELLEN O. MOYER, MAYOR

EXPLANATION:

Redlining indicates matter added to existing law.
~~Strike Out indicates matter deleted from existing law.~~
Underlining and redlining indicate amendments.